

# JOURNAL OF THE HOUSE

Second Regular Session, 96th GENERAL ASSEMBLY

---

SEVENTY-FIFTH DAY, THURSDAY, MAY 17, 2012

The House met pursuant to adjournment.

Speaker Tilley in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

*For the kingdom is the Lord's: and He is the governor among the nations. (Psalm 22:28)*

Eternal Lord of our spirits, we pause in Your presence once again to listen to Your voice and to receive the ministry of Your grace. You are ever calling us to work with You to keep justice and freedom and good will alive in our world. May Your spirit be so real to us that we shall continue to erect in this land a temple of understanding and love to which all citizens may turn for healing and for a helping hand.

We pray that all peoples of Missouri may be open to the leadership of Your spirit. We pray for the Speaker and these representatives of our people. Guide them, sustain them and bless them with courage and faith.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

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

The Journal of the seventy-fourth day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 3262 through House Resolution No. 3301

---

## SUPPLEMENTAL CALENDAR

MAY 17, 2012

## THIRD READING OF SENATE BILLS

- 1 HCS SB 721, E.C. - Diehl
  - 2 SS SB 727 - Silvey
-

**COMMITTEE REPORT**

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

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SS SB 464**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**THIRD READING OF SENATE BILLS**

**SCS SB 789**, relating to DNA profiling, was taken up by Representative Cox.

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 093

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

NOES: 047

|            |               |            |           |             |
|------------|---------------|------------|-----------|-------------|
| Anders     | Atkins        | Aull       | Black     | Brown 50    |
| Carlson    | Casey         | Colona     | Conway 27 | Ellinger    |
| Fallert    | Harris        | Hodges     | Hubbard   | Hummel      |
| Jones 63   | Kander        | Kelly 24   | Kirkton   | Kratky      |
| Lampe      | McCann Beatty | McCreery   | McDonald  | McGeoghegan |
| McNeil     | Meadows       | Montecillo | Morgan    | Newman      |
| Nichols    | Oxford        | Pace       | Pierson   | Rizzo       |
| Schieffer  | Schupp        | Sifton     | Spreng    | Still       |
| Swearingen | Swinger       | Talboy     | Taylor    | Walton Gray |
| Webb       | Webber        |            |           |             |

PRESENT: 000

ABSENT WITH LEAVE: 023

|         |           |           |           |            |
|---------|-----------|-----------|-----------|------------|
| Brattin | Carter    | Curtman   | Day       | Denison    |
| Diehl   | Ellington | Flanigan  | Franklin  | Funderburk |
| Holsman | Hughes    | Jones 117 | Lauer     | May        |
| McGhee  | McManus   | Nasheed   | Parkinson | Riddle     |
| Sater   | Smith 71  | Stream    |           |            |

On motion of Representative Cox, **SCS SB 789** was truly agreed to and finally passed by the following vote:

AYES: 136

|             |             |              |           |                |
|-------------|-------------|--------------|-----------|----------------|
| Allen       | Anders      | Asbury       | Atkins    | Aull           |
| Bahr        | Barnes      | Bernskoetter | Berry     | Black          |
| Brandom     | Brattin     | Brown 50     | Brown 85  | Brown 116      |
| Burlison    | Carlson     | Casey        | Cauthorn  | Cierpiot       |
| Conway 14   | Conway 27   | Cookson      | Cox       | Crawford       |
| Cross       | Davis       | Denison      | Dugger    | Ellinger       |
| Elmer       | Entlicher   | Fallert      | Fisher    | Fitzwater      |
| Fraker      | Franklin    | Franz        | Fuhr      | Gatschenberger |
| Gosen       | Grisamore   | Guernsey     | Haefner   | Hampton        |
| Harris      | Higdon      | Hinson       | Hodges    | Holsman        |
| Hoskins     | Hough       | Houghton     | Hubbard   | Hummel         |
| Johnson     | Jones 63    | Jones 89     | Jones 117 | Kander         |
| Keeney      | Kelley 126  | Kelly 24     | Kirkton   | Klippenstein   |
| Koenig      | Korman      | Kratky       | Lair      | Lampe          |
| Lant        | Lasater     | Leach        | Leara     | Lichtenegger   |
| Loehner     | Long        | Marshall     | McCaherty | McCann Beatty  |
| McCreery    | McDonald    | McGeoghegan  | McGhee    | McNary         |
| McNeil      | Molendorp   | Morgan       | Nance     | Neth           |
| Newman      | Nichols     | Nolte        | Oxford    | Phillips       |
| Pierson     | Pollock     | Quinn        | Redmon    | Reiboldt       |
| Richardson  | Rizzo       | Rowland      | Ruzicka   | Schad          |
| Scharnhorst | Schieber    | Schieffer    | Schneider | Schoeller      |
| Schupp      | Shively     | Shumake      | Sifton    | Silvey         |
| Smith 150   | Solon       | Sommer       | Still     | Stream         |
| Swearingen  | Swinger     | Talboy       | Taylor    | Thomson        |
| Torpey      | Wallingford | Webber       | Wells     | Weter          |
| White       | Wieland     | Wright       | Wyatt     | Zerr           |
| Mr Speaker  |             |              |           |                |

NOES: 006

|        |            |      |        |             |
|--------|------------|------|--------|-------------|
| Colona | Montecillo | Pace | Spreng | Walton Gray |
| Webb   |            |      |        |             |

PRESENT: 000

ABSENT WITH LEAVE: 021

|           |           |           |            |         |
|-----------|-----------|-----------|------------|---------|
| Carter    | Curtman   | Day       | Dieckhaus  | Diehl   |
| Ellington | Flanigan  | Frederick | Funderburk | Hughes  |
| Largent   | Lauer     | May       | McManus    | Meadows |
| Nasheed   | Parkinson | Riddle    | Sater      | Schatz  |
| Smith 71  |           |           |            |         |

Speaker Tilley declared the bill passed.

**HCS SB 813**, relating to financial transactions, was taken up by Representative Dieckhaus.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 813, in the Title, Line 2, by inserting after the phrase “67.085,” the phrase:

“67.5012 as truly agreed to and finally passed by the second regular session of the ninety-sixth general assembly in Senate Committee Substitute for House Bill No. 1504,”; and

Further amend said bill, Section A, Line 1, by inserting after the phrase “Sections 67.085,” the phrase:

“section 67.5012 as truly agreed to and finally passed by the second regular session of the ninety-sixth general assembly in Senate Committee Substitute for House Bill No. 1504,”; and

Further amend said section, Line 7, by inserting after the phrase “sections 67.085,” the phrase “67.5012,”; and

Further amend said bill, Section 67.085, Page 2, Line 22, by inserting after all of said section the following:

**“67.5012. The governing body of any county located within a district established pursuant to sections 67.5000 to 67.5038 is authorized to impose by order, ordinance, or otherwise a one-tenth of one cent local sales tax on all retail sales subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of funding activities that are consistent with the powers and duties of a district, as set forth in section 67.5006. The tax authorized by this section shall be in addition to all other sales taxes allowed by law. The provisions of sections 32.085 and 32.087 shall apply to each local sales tax approved pursuant to sections 67.5000 to 67.5038. The question of whether to continue to impose the one-tenth of one cent local sales tax authorized under this section shall be submitted to the voters of the county every twelve years after the voters of that county approve the initial imposition of the tax.”; and**

Further amend said bill, Section 339.549, Page 30, Line 17, by inserting after all of said line the following:

**“[67.5012. The governing body of any county located within a district established pursuant to sections 67.5000 to 67.5038 is authorized to impose by order, ordinance, or otherwise a one-tenth of one cent local sales tax on all retail sales subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of funding activities that are consistent with the powers and duties of a district, as set forth in section 67.5006. The tax authorized by this section shall be in addition to all other sales taxes allowed by law. The provisions of sections 32.085 and 32.087 shall apply to each local sales tax approved pursuant to sections 67.5000 to 67.5038.]”; and**

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 813, Page 10, Section 313.817, Line 47, by deleting all of said line and inserting in lieu thereof the following:

**“of an occupational license, except that such approval shall not be made less than twenty-four hours after the determination that a person is a qualified person. A licensee may accept multiple credit instruments from the”; and**

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

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Bill No. 813, Page 2, Section 67.085, Line 22, by inserting after all of said line the following:

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

**(1) "Deduction", an amount subtracted from the taxpayer's Missouri adjusted gross income to determine Missouri taxable income for the tax year in which such deduction is claimed;**

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

**(3) "Storm shelter", an above-ground safe room or an in-ground shelter in this state in the taxpayer's primary residence or on the taxpayer's real property that protects from injury or death caused by dangerous and extreme windstorms, that is in compliance with the requirements established in the Federal Emergency Management Agency's Publication 320 or its successor publication in effect at the time the storm shelter was completed, and in compliance with the International Code Council 500/National Storm Shelter Association standards with the National Storm Shelter Association seal of quality verification, serial number and Certificate of Installation provided with each storm shelter that is installed, and that is made in America;**

**(4) "Taxpayer", any individual who is a resident of this state and who is subject to the income tax imposed in this chapter.**

**2. In addition to all deductions listed in this chapter, for all taxable years beginning on or after January 1, 2013, a taxpayer shall be allowed a deduction for the costs incurred in constructing or installing a storm shelter. The deduction amount shall be equal to the lesser of the full amount of the costs incurred in constructing the storm shelter or two thousand five hundred dollars. No taxpayer shall claim a tax deduction more than once under this section, and no deduction shall be issued for more than one storm shelter constructed or installed by such taxpayer for the taxpayer's primary residence.**

**3. The aggregate amount of tax deductions which may be issued under this section in any one fiscal year shall not exceed two million dollars. If the amount of tax deductions claimed under this section exceeds two million dollars, the director of the department of revenue shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax deductions are equally apportioned among all taxpayers allowed a tax deduction under this section. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax deductions possible up to the cumulative amount of tax deductions available for the fiscal year.**

**4. The department of revenue shall establish the procedure by which the deduction provided in this section may be claimed, and may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with**

the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

5. Under section 23.253 of the Missouri sunset act:

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

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

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

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

Representative Pollock assumed the Chair.

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

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

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Bill No. 813, Page 30, Section 339.549, Line 17, by inserting after all of said section and line, the following:

"408.040. 1. In all nontort actions, interest shall be allowed on all money due upon any judgment or order of any court from the date judgment is entered by the trial court until satisfaction be made by payment, accord or sale of property; all such judgments and orders for money upon contracts bearing more than nine percent interest shall bear the same interest borne by such contracts, and all other judgments and orders for money shall bear nine percent per annum until satisfaction made as aforesaid.

2. Notwithstanding the provisions of subsection 1 of this section, in tort actions, interest shall be allowed on all money due upon any judgment or order of any court from the date of judgment is entered by the trial court until full satisfaction. All such judgments and orders for money shall bear a per annum interest rate equal to the [intended Federal Funds Rate, as established by the Federal Reserve Board, plus five percent,] **rate set by section 32.065 plus one percent** until full satisfaction is made. The judgment shall state the applicable interest rate, which shall not vary once entered. In tort actions, if a claimant has made a demand for payment of a claim or an offer of settlement of a claim, to the party, parties or their representatives, and to such party's liability insurer if known to the claimant, and the amount of the judgment or order exceeds the demand for payment or offer of settlement, then prejudgment interest shall be awarded, calculated from a date ninety days after the demand or offer was received, as shown by the certified mail return receipt, or from the date the demand or offer was rejected without counter offer, whichever is earlier. In order to qualify as a demand or offer pursuant to this section, such demand must:

(1) Be in writing and sent by certified mail return receipt requested; and

(2) Be accompanied by an affidavit of the claimant describing the nature of the claim, the nature of any injuries claimed and a general computation of any category of damages sought by the claimant with supporting documentation, if any is reasonably available; and

(3) For wrongful death, personal injury, and bodily injury claims, be accompanied by a list of the names and addresses of medical providers who have provided treatment to the claimant or decedent for such injuries, copies of all reasonably available medical bills, a list of employers if the claimant is seeking damages for loss of wages or earning, and written authorizations sufficient to allow the party, its representatives, and liability insurer if known to the claimant to obtain records from all employers and medical care providers; and

(4) Reference this section and be left open for ninety days. Unless the parties agree in writing to a longer period of time, if the claimant fails to file a cause of action in circuit court prior to a date one hundred twenty days after the demand or offer was received, then the court shall not award prejudgment interest to the claimant. If the claimant is a minor or incompetent or deceased, the affidavit may be signed by any person who reasonably appears to be qualified to act as next friend or conservator or personal representative. If the claim is one for wrongful death, the affidavit may

be signed by any person qualified pursuant to section 537.080 to make claim for the death. Nothing contained herein shall limit the right of a claimant, in actions other than tort actions, to recover prejudgment interest as otherwise provided by law or contract.

3. In tort actions, a judgment for prejudgment interest awarded pursuant to this subsection should bear interest at a per annum interest rate equal to the [intended Federal Funds Rate, as established by the Federal Reserve Board, plus three percent] **rate set by section 32.065**. The judgment shall state the applicable interest rate, which shall not vary once entered.”; and

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

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

|           |            |                |              |              |
|-----------|------------|----------------|--------------|--------------|
| Allen     | Asbury     | Bahr           | Barnes       | Bernskoetter |
| Berry     | Brandom    | Brattin        | Brown 50     | Brown 85     |
| Brown 116 | Burlison   | Cauthorn       | Conway 14    | Cookson      |
| Cox       | Crawford   | Cross          | Curtman      | Davis        |
| Denison   | Dieckhaus  | Dugger         | Elmer        | Entlicher    |
| Fisher    | Fitzwater  | Flanigan       | Fraker       | Franz        |
| Fuhr      | Funderburk | Gatschenberger | Gosen        | Grisamore    |
| Guernsey  | Haefner    | Hampton        | Higdon       | Hinson       |
| Hoskins   | Hough      | Houghton       | Johnson      | Jones 89     |
| Jones 117 | Keeney     | Kelley 126     | Klippenstein | Koenig       |
| Korman    | Lair       | Lant           | Largent      | Lasater      |
| Leach     | Leara      | Lichtenegger   | Long         | Marshall     |
| McCaherty | McGhee     | McNary         | Molendorp    | Nance        |
| Neth      | Nolte      | Phillips       | Pollock      | Redmon       |
| Reiboldt  | Richardson | Rowland        | Ruzicka      | Sater        |
| Schad     | Schatz     | Schieber       | Schieffer    | Schneider    |
| Schoeller | Shumake    | Smith 150      | Solon        | Sommer       |
| Stream    | Thomson    | Torpey         | Wallingford  | Wells        |
| Weter     | White      | Wieland        | Wright       | Wyatt        |
| Zerr      | Mr Speaker |                |              |              |

NOES: 049

|             |             |               |          |            |
|-------------|-------------|---------------|----------|------------|
| Anders      | Atkins      | Aull          | Black    | Carlson    |
| Casey       | Colona      | Conway 27     | Ellinger | Ellington  |
| Fallert     | Harris      | Hodges        | Holsman  | Hubbard    |
| Hummel      | Jones 63    | Kander        | Kelly 24 | Kirkton    |
| Kratky      | Lampe       | McCann Beatty | McCreery | McDonald   |
| McGeoghegan | McManus     | McNeil        | Meadows  | Montecillo |
| Morgan      | Newman      | Nichols       | Oxford   | Pierson    |
| Quinn       | Rizzo       | Schupp        | Shively  | Sifton     |
| Silvey      | Spreng      | Still         | Swinger  | Talboy     |
| Taylor      | Walton Gray | Webb          | Webber   |            |

PRESENT: 000

ABSENT WITH LEAVE: 017

|           |            |           |         |             |
|-----------|------------|-----------|---------|-------------|
| Carter    | Cierpiot   | Day       | Diehl   | Franklin    |
| Frederick | Hughes     | Lauer     | Loehner | May         |
| Nasheed   | Pace       | Parkinson | Riddle  | Scharnhorst |
| Smith 71  | Swearingen |           |         |             |

Speaker Tilley resumed the Chair.

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

Representative Smith (150) offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Bill No. 813, Page 30, Section 339.549, Line 17, by inserting after all of said line the following:

**“Section 1. 1. The department of elementary and secondary education shall provide staffing support including but not limited to statewide coordination for career and technical student organizations’ activities that are an integral part of the instructional educational curriculum for career and technical education programs approved by the department. Such career and technical organizations shall include, but not be limited to, the nationally recognized organizations of DECA, FBLA, FFA, FCCLA, HOSA, SkillsUSA, and TSA.**

**2. The department of elementary and secondary education shall continue to handle the funds from the organizations in the same manner as it did during school year 2011-2012, with department personnel maintaining responsibility for the receipt and disbursement of funds. The department may ensure accountability and transparency by requiring the career and technical student organizations to provide sworn affidavits annually by personnel in the organization who are responsible for such funds as to the proper receipt and disbursement of such funds.”; and**

Further amend said bill, Page 41, Section 339.1240, Line 11, by inserting after all of said line the following:

**“Section B. Because of the need to provide immediate guidance on the financial operations of career and technical student organizations and their state level direction, the enactment of section 1 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 1 of section A of this act shall be in full force and effect upon its passage and approval.”; and**

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

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

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

AMEND House Amendment No. 5 to House Committee Substitute for Senate Bill No. 813, Page 1, Line 1, by inserting immediately following the number “813,” the following:

‘Page 2, Section 67.085, Line 22, by inserting after all of said section and line the following:

**“178.530. 1. The state board of education shall establish standards and annually inspect, as a basis for approval, all public prevocational, vocational schools, Linn State Technical College, departments and classes receiving state or federal moneys for giving training in agriculture, industrial, home economics and commercial subjects and all**



schools, departments and classes receiving state or federal moneys for the preparation of teachers and supervisors of such subjects. The public prevocational and vocational schools, Linn State Technical College, departments, and classes, and the training schools, departments and classes are entitled to the state or federal moneys so long as they are approved by the state board of education, as to site, plant, equipment, qualifications of teachers, admission of pupils, courses of study and methods of instruction. All disbursements of state or federal moneys for the benefit of the approved prevocational and vocational schools, Linn State Technical College, departments and classes shall be made semiannually. The school board of each approved school or the governing body of Linn State Technical College shall file a report with the state board of education at the times and in the form that the state board requires. Upon receipt of a satisfactory report, the state board of education shall certify to the commissioner of administration for his approval the amount of the state and federal moneys due the school district or Linn State Technical College. The amount due the school district shall be certified by the commissioner of administration and proper warrant therefor shall be issued to the district treasurer or Linn State Technical College.

**2. Notwithstanding the provisions of subsection 1 of this section, the state board of education shall establish standards for agricultural education that may be adopted by a private school accredited by an agency recognized by the United States Department of Education as an accreditor of private schools that wishes to provide quality vocational programming outside the requirements of, but consistent with, the federal vocational Education Act. Such standards shall be sufficient to qualify a private school to apply to the state chapter for approval of a local chapter of a federally chartered national agricultural education association on a form developed for that purpose by the department of elementary and secondary education without eligibility to receive state or federal funding for agricultural vocational education; however, such private school shall reimburse the department annually for the cost of oversight and maintenance of the program.**

**2. Notwithstanding the provisions of subsection 1 of this section, the state board of education shall establish standards for agricultural education that may be adopted by a private school accredited by an agency recognized by the United States Department of Education as an accreditor of private schools that wishes to provide quality vocational programming outside the requirements of, but consistent with, the federal vocational education act. Such standards shall be sufficient to qualify a private school to apply to the state chapter for approval of a local chapter of a federally chartered national agricultural education association on a form developed for that purpose by the department of elementary and secondary education without eligibility to receive state or federal funding for agricultural vocational education. Any such private school shall reimburse the department annually for the cost of oversight and maintenance of the program.”; and**

Further amend said bill,’; and

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

On motion of Representative Hinson, **House Amendment No. 1 to House Amendment No. 5** was adopted.

On motion of Representative Smith (150), **House Amendment No. 5, as amended**, was adopted.

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

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Bill No. 813, Page 2, Section 67.085, Line 22, by inserting after all of said section, the following:

**“67.5000. A parks, trails, and greenways district may be created, incorporated, and managed pursuant to sections 67.5000 to 67.5038 and once created may exercise the powers given to that district pursuant to section 67.5006. A district shall include a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants. Any recreation system or public parks system that exists within a district established pursuant to sections 67.5000 to 67.5038 shall remain in existence with the same**

powers and responsibilities it had prior to the establishment of such district. Nothing in sections 67.5000 to 67.5038 shall be construed in any manner to limit or prohibit:

- (1) Later establishment or cessation of any park or recreation system provided by law; or
- (2) Any powers and responsibilities of any park or recreation system provided by state law.

67.5002. When a district authorized by section 67.5000 is created, it shall be a body corporate and a political subdivision of this state and the district shall be known as ". . . . . Parks, Trails, and Greenways District". In that name, the district may sue and be sued, issue bonds and levy and collect taxes or fees pursuant to the limitations of sections 67.5000 to 67.5038.

67.5004. Each district established pursuant to sections 67.5000 to 67.5033 shall be responsible for the planning, development, operation, and maintenance of a public system of interconnecting trails, open spaces, greenways, and parks throughout the county comprising such district, except as otherwise specifically provided for by statute. The powers and responsibilities of the district shall be supplemental to, but shall not be a substitute for, the powers and responsibilities of other parks and recreation systems located within the district or for the powers of other conservation and environmental regulatory agencies. Nothing in this section shall be interpreted to give any district the authority to regulate water quality, watershed, or land use issues in the county comprising the district.

67.5006. A parks, trails, and greenways district shall have the power to:

- (1) Prepare or cause to be prepared and adopt a plan or plans for interconnecting systems of public trails, open spaces, greenways, and parks throughout the county comprising the district;
- (2) Develop, supervise, improve, maintain, and take custody of an interconnecting system of public parks, trails, open spaces, greenways, and recreational facilities owned, operated, managed, or maintained by that district;
- (3) Issue bonds, notes, or other obligations in furtherance of any power or duty of a district and to refund those bonds, notes, or obligations, as provided in sections 67.5032 to 67.5036;
- (4) Contract with public and private entities, including other parks and recreation agencies, or individuals both within and without the state and shall have the power to contract with the United States or any agency thereof in furtherance of any power or duty of the district;
- (5) Lease, purchase, own, hold, control, contract, and sell any and all rights in land, buildings, improvements, and any and all other real, personal, or property that is a combination of both; provided that, real property within a county may only be purchased by a district if a majority of the board members consent to that purchase;
- (6) Receive property, both real and personal, or money that has been granted, donated, devised, or bequeathed to the district;
- (7) Establish a separate district account into which all local sales taxes received from the director of the department of revenue and other funds received by that district shall be deposited;
- (8) Establish and collect reasonable charges for the use of the facilities of the district;
- (9) Maintain an office and staff at any place or places in this state as the district may designate and conduct its business and operations as is necessary to fulfill that district's duties, pursuant to sections 67.5000 to 67.5038; and
- (10) Appoint, when the district board determines it is appropriate, advisory committees to assist the district board in the exercise of the power and duties vested in the district.

67.5008. A question, in substantially the following form, may be submitted to the voters in each county authorized to establish a district:

"Shall there be organized in the County of . . . . , state of Missouri, a parks, trails, and greenways district for the purposes of planning, developing, supervising, improving, maintaining, and taking custody of an interconnecting system of public parks, trails, open spaces, greenways, and recreational facilities within the boundaries of that district to be known as ". . . . . Parks, Trails, and Greenways District", and further shall a local sales tax of one tenth of one cent be levied and collected in ..... County for the support of this parks, trails, and greenways district, with forty-five percent of that revenue going to the district and fifty-five percent being returned to . . . . County and the cities within the County for local park improvements?

☐ YES

☐ NO"

**67.5010.** If a majority of the votes cast by the qualified voters voting on the question submitted pursuant to section 67.5008 voted YES, then that district shall be deemed created. However, if a majority of the qualified voters cast NO votes, that district shall not be deemed created unless and until another question of whether to authorize the creation of a district and impose the one-tenth of one cent local sales tax is submitted to the qualified voters of that county and that question is approved by a majority of the qualified voters voting thereon.

**67.5012.** The governing body of any county located within a district established pursuant to sections 67.5000 to 67.5038 is authorized to impose by order, ordinance, or otherwise a one-tenth of one cent local sales tax on all retail sales subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of funding activities that are consistent with the powers and duties of a district, as set forth in section 67.5006. The tax authorized by this section shall be in addition to all other sales taxes allowed by law. The provisions of sections 32.085 and 32.087 shall apply to each local sales tax approved pursuant to sections 67.5000 to 67.5038.

**67.5014.** The local sales tax authorized in section 67.5012 shall be collected and allocated in the district as follows:

(1) Forty-five percent of the local sales taxes collected as described in section 67.5012 shall be deposited by the department of revenue in the parks, trails, and greenways district fund to be administered by the board of directors of that district to pay costs associated with the planning, development, supervision, improvement, maintenance, and custody of an interconnecting system of public parks, trails, open space, greenways, and recreational facilities within the boundaries of that district. Up to five percent of the amount deposited in that parks, trails, and greenways fund shall be used for grants to local public agencies to be used for activities that are consistent with the district's powers and duties as set forth in section 67.5006. Costs for office and project administration may be up to, but shall not exceed, fifteen percent of the amount deposited in a district fund pursuant to this subdivision;

(2) Fifteen percent of the local sales taxes collected as described in section 67.5012 shall be distributed by the department of revenue to the county to be used for planning, development, supervision, improvement, maintenance, and custody of public parks, trails, open spaces, greenways, and recreational facilities within the boundaries of a district; and

(3) Forty percent of the local sales taxes collected as described in section 67.5012 shall be distributed by the department of revenue to each of the cities in that county, in proportion to each city's relative local sales tax contribution, to be used for planning, development, supervision, improvement, maintenance, and custody of public parks, trails, open spaces, greenways, and recreational facilities within the boundaries of a district.

**67.5016. 1.** Any county levying a local sales tax under the authority of sections 67.5000 to 67.5038 shall not administer or collect the tax locally, but shall utilize the services of the state department of revenue to administer, enforce, and collect the tax. The sales tax shall be administered, enforced, and collected in the same manner and by the same procedure as other local sales taxes are levied and collected and shall be in addition to any other sales tax authorized by law. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

**2.** Upon receipt of a certified copy of a resolution from the county authorizing the levy of a local sales tax, which resolution shall state the name of the district in which that county is included, the director of the department of revenue shall cause this tax to be collected at the same time and in the same manner provided for the collection of the state sales tax. All moneys derived from this local sales tax imposed under the authority of sections 67.5000 to 67.5038 and collected under the provisions of this section by the director of revenue shall be credited to a fund established for the district, which is hereby established in the state treasury, under the name of that district, as established. Any refund due on any local sales tax collected pursuant to section 67.5000 to 67.5038 shall be paid out of the sales tax refund fund and reimbursed by the director of revenue from the sales tax revenue collected under this section. All local sales tax revenue derived from the authority granted by sections 67.5000 to 67.5038 and collected from within any county, under this section, shall be remitted at least quarterly by the director of revenue to the district established by sections 67.5000 to 67.5038, the source county included in the district and the cities in that county, in the percentages set forth in section 67.5014.

**67.5018. 1.** The treasurer of the board of each district created shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of each district created by sections 67.5000 to 67.5038 shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be approved by the board of each district created. Upon board approval, the report shall be available for inspection.

2. The accounts of the district shall be open at any reasonable time for inspection by duly authorized representatives of the county and cities included within the jurisdictional boundaries of that district.

3. Annually, no later than one hundred twenty days after the close of each district's fiscal year, the board of each district created by sections 67.5000 to 67.5038 shall cause to be prepared a report on the operations and transactions conducted by that district during the preceding year. The report shall be an open record and shall be submitted to the governing bodies of each city and county within the jurisdictional boundaries of that district commencing the year following the year in which the district is created. The board of each district shall take those actions as are reasonably required to make this report readily available to the public.

**67.5020.** Notwithstanding the provisions of section 99.845 to the contrary, the revenues from the local sales taxes imposed under the authority set forth in section 67.5012 shall not be allocated to and paid by the state department of revenue to any special allocation fund established by any municipality under sections 99.800 to 99.865.

**67.5022.** 1. When a district is created pursuant to sections 67.5000 to 67.5038, the district shall be governed by a board of directors. The presiding commissioner or elected county executive of the county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants shall appoint one member of the district's board of directors chosen from the residents of that county. The mayor of the largest city in that county shall appoint two persons from the residents of that city in that county, and the mayors of the next five most populous cities in the county shall, on a rotating basis and in accordance with subsection 2 of this section, appoint four persons from the residents of those respective cities in that county to serve on the board.

2. The mayors of the second through sixth most populous cities in that county, as determined by the most recent decennial census, shall appoint the board members from the residents of those cities in the county by December 15 of each year. Representation on the board from these second through sixth most populous cities shall be on a rotating basis, as follows. In the initial year:

- (1) The second most populous city shall be represented on the board, and that member shall serve for a term of one year;
- (2) The third most populous city shall be represented on the board, and that member shall serve for a term of two years;
- (3) The fourth most populous city shall be represented on the board, and that member shall serve for a term of three years;
- (4) The fifth most populous city shall be represented on the board, and that member shall serve for a term of four years; and
- (5) The sixth most populous city shall not be represented on the board.

In the second year, the sixth most populous city shall be represented on the board, and the member shall serve for a term of four years. In that second year, the second most populous city shall have no representation on the board. Membership on the board shall rotate in this manner every year thereafter, with each of the second through sixth most populous cities not being represented on the board, in this alternating basis, one of every succeeding four years.

3. The board members appointed to a district shall hold office for four-year terms; provided that, initial terms of the representative of the second through the sixth most populous cities in the county shall be of the staggered lengths as set forth in subsection 2 of this section. On the expiration of the initial terms of appointment and on the expiration of any subsequent term, the resulting vacancies shall be filled by the chief elected official of each of the represented cities and the county. All vacancies on the board shall be filled in the same manner for the duration of the term being filled. Board members shall serve until their successors are named and the successors have commenced their terms as board members. Board members shall be eligible for reappointment.

4. The chief elected official of each city or county that has membership on the board of a district may replace a board member representing that elected official's city or county at any time, in that elected official's sole discretion. Upon this removal, the chief elected official shall appoint another individual to represent that city or county on the board of directors of the district.

**67.5024.** Promptly after their appointment, the initial board members of a district created pursuant to sections 67.5000 to 67.5038 shall hold an organizational meeting at which they shall elect a president, secretary, treasurer, and any other officers from among their number as they may deem necessary. The members shall

make and adopt bylaws, rules, and regulations for their guidance, as may be expedient and not inconsistent with sections 67.5000 to 67.5038.

67.5026. Board members shall be citizens of the United States and shall reside within the county or city, as the case may be, from which they are appointed. No board member shall receive compensation for performance of duties as a board member. No board member shall be financially interested directly or indirectly in any contract entered into pursuant to sections 67.5000 to 67.5038.

67.5028. When a public highway, street, or road extends into or through a public trail, trail area, greenway, or park area of a district, or when a public highway, street, or road forms all or part of a suitable connection between two or more public trails, trail areas, or park areas within a district, and it is advisable by the board to make alterations in the route or width of the highway or to grade, drain, pave, or otherwise improve the highway, the board may enter into agreements, consistent with the purposes of that district, with the public authorities in control of the portion of the highway, street, or road that lies within any, or forms any part of, a connecting link to and between any, public trail, trail area, or park area of a district. Any agreement with any such public authority shall follow the procedure authorized by law for dealing with that authority, and any agreement shall provide for the payment by the board of an agreed-upon portion of the costs of that agreement. This section shall not alter the legal status of that highway, street, or road in any way.

67.5030. No district created pursuant to sections 67.5000 to 67.5038 shall be authorized to exercise the power of eminent domain.

67.5032. 1. Bonds of a district authorized by sections 67.5000 to 67.5038 shall be issued pursuant to a resolution adopted by the board of directors of that district, which resolution shall set out the estimated cost to that district of the proposed improvements, and shall further set out the amount of bonds to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment, and all other details in connection with those bonds. These bonds may be subject to provision for redemption prior to maturity, with or without premium, and at the times and upon the conditions as may be provided by the resolution.

2. Notwithstanding the provisions of section 108.170, these bonds shall bear interest at rate or rates determined by the issuing district and shall mature within a period not exceeding twenty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount of the bonds to be issued. Bonds issued by a district shall possess all of the qualities of negotiable instruments pursuant to the laws of this state.

3. These bonds may be payable to bearer, may be registered or coupon bonds and, if payable to bearer, may contain any registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing those bonds, which resolution may also provide for the exchange of registered and coupon bonds. These bonds and any coupons attached thereto shall be signed in the manner and by the officers of the district as may be provided by the resolution authorizing the bonds. A district may provide for the replacement of any bond that has become mutilated, destroyed, or lost.

4. Bonds issued by a district shall be payable as to principal, interest and redemption premium, if any, out of all or any part of the issuing district's parks, trails, and greenways fund, including revenues derived from local sales taxes and any other monies held by that district. Neither the board members nor any person executing the bonds shall be personally liable on those bonds by reason of the issuance of those bonds. Bonds issued pursuant to this section or section 67.5034 shall not constitute a debt, liability or obligation of this state, or any political subdivision of this state, nor shall any of these obligations be a pledge of the faith and credit of this state, but shall be payable solely from the revenues and assets held by the issuing district. The issuance of bonds pursuant to this section or section 67.5034 shall not directly, indirectly or contingently obligate this state or any political subdivision of this state, other than the district issuing the bonds, to levy any form of taxation for those bonds or to make any appropriation for their payment. Each obligation or bond issued pursuant to this section or section 67.5034 shall contain, on its face, a statement to the effect that the issuing district shall not be obligated to pay those bonds nor the interest on those bonds, except from the revenues received by the issuing district or assets of that district lawfully pledged for that district, and that neither the good faith and credit nor the taxing power of this state or of any political subdivision of this state, other than the issuing district, is pledged to the payment of the principal of or the interest on that obligation or bond. The proceeds of these bonds shall be

disbursed in the manner and pursuant to the restrictions the district may provide in the resolution authorizing the issuance of those bonds.

**67.5034. 1.** A district may issue negotiable refunding bonds for the purpose of refunding, extending or unifying the whole or any part of any bonds of a district then outstanding, or any bonds, notes or other obligations issued by any other public agency, public body or political subdivision in connection with any facilities to be acquired, leased or subleased by that district, which refunding bonds shall not exceed the amount necessary to refund the principal of the outstanding bonds to be refunded and the accrued interest on those bonds to the date of that refunding, together with any redemption premium, amounts necessary to establish reserve and escrow funds and all costs and expenses incurred in connection with the refunding. The board shall provide for the payment of interest and principal of any refunding bonds in the same manner as was provided for the payment of interest and principal of the bonds refunded.

**2.** In the event that any of the board members or officers of a district whose signatures appear on any bonds or coupons shall cease to be on the board or cease to be an officer before the delivery of those bonds, those signatures shall remain valid and sufficient for all purposes, the same as if that board member or officer had remained in office until the delivery of those bonds.

**67.5036.** Each district is hereby declared to be performing a public function and bonds of a district are declared to be issued for an essential public and governmental purpose and, accordingly, interest on those bonds and income from those bonds shall be exempt from income taxation by this state.

**67.5038.** All purchases by a district in excess of ten thousand dollars used in the construction or maintenance of any public recreational facility, trail, park, or greenway in that district shall be made pursuant to the lowest and best bid standard as provided in section 34.040 or pursuant to the lowest and best proposal standard as provided in section 34.042. The board of any district shall have the same discretion, powers and duties as granted to the commissioner of administration by sections 34.040 and 34.042.

**67.5039.** Under section 23.253 of the Missouri sunset act:

**(1)** The provisions of the new program authorized under these sections 67.750, 67.1706, 67.1712, 67.1715, 67.1721, 67.1742, and 67.1754 shall sunset automatically twenty-three years after August 28, 2012, unless reauthorized by an act of the general assembly; and

**(2)** If such program is reauthorized, the program authorized under this section shall sunset automatically forty-six 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.

**144.805. 1.** In addition to the exemptions granted pursuant to the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to [144.748] **144.746**, and section 238.235, and the provisions of any local sales tax law, as defined in section 32.085, and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525, sections 144.600 to [144.748] **144.746**, and section 238.235, and the provisions of any local sales tax law, as defined in section 32.085, all sales of aviation jet fuel in a given calendar year to common carriers engaged in the interstate air transportation of passengers and cargo, and the storage, use and consumption of such aviation jet fuel by such common carriers, if such common carrier has first paid to the state of Missouri, in accordance with the provisions of this chapter, state sales and use taxes pursuant to the foregoing provisions and applicable to the purchase, storage, use or consumption of such aviation jet fuel in a maximum and aggregate amount of one million five hundred thousand dollars of state sales and use taxes in such calendar year.

**2.** To qualify for the exemption prescribed in subsection 1 of this section, the common carrier shall furnish to the seller a certificate in writing to the effect that an exemption pursuant to this section is applicable to the aviation jet fuel so purchased, stored, used and consumed. The director of revenue shall permit any such common carrier to enter into a direct-pay agreement with the department of revenue, pursuant to which such common carrier may pay directly to the department of revenue any applicable sales and use taxes on such aviation jet fuel up to the maximum aggregate amount of one million five hundred thousand dollars in each calendar year. The director of revenue shall adopt appropriate rules and regulations to implement the provisions of this section, and to permit appropriate claims for refunds of any excess sales and use taxes collected in calendar year 1993 or any subsequent year with respect to any such common carrier and aviation jet fuel.

3. The provisions of this section shall apply to all purchases and deliveries of aviation jet fuel from and after May 10, 1993.

4. All sales and use tax revenues upon aviation jet fuel received pursuant to this chapter, less the amounts specifically designated pursuant to the constitution or pursuant to section 144.701 for other purposes, shall be deposited to the credit of the aviation trust fund established pursuant to section 155.090; provided however, the amount of such state sales and use tax revenues deposited to the credit of such aviation trust fund shall not exceed ten million dollars in each calendar year.

5. The provisions of this section and section 144.807 shall expire on December 31, [2013] 2023.

182.802. 1. [A] **(1) Any public library district located in any of the following counties may impose a tax as provided in this section:**

**(a)** At least partially within any county of the third classification without a township form of government and with more than forty thousand eight hundred but fewer than forty thousand nine hundred inhabitants;

**(b)** Any county of the third classification without a township form of government and with more than thirteen thousand five hundred but fewer than thirteen thousand six hundred inhabitants;

**(c)** Any county of the third classification without a township form of government and with more than thirteen thousand two hundred but fewer than thirteen thousand three hundred inhabitants;

**(d)** Any county of the third classification with a township form of government and with more than twenty-nine thousand seven hundred but fewer than twenty-nine thousand eight hundred inhabitants;

**(e)** Any county of the second classification with more than nineteen thousand seven hundred but fewer than nineteen thousand eight hundred inhabitants; [or]

**(f)** Any county of the third classification with a township form of government and with more than thirty-three thousand one hundred but fewer than thirty-three thousand two hundred inhabitants;

**(g) Any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the third classification with more than six thousand but fewer than seven thousand inhabitants as the county seat.**

**(2) Any public library district listed in subdivision (1) of this subsection** may, by a majority vote of its board of directors, impose a tax not to exceed one-half of one cent on all retail sales subject to taxation under sections 144.010 to 144.525 for the purpose of funding the operation and maintenance of public libraries within the boundaries of such library district. The tax authorized by this subsection shall be in addition to all other taxes allowed by law. No tax under this subsection shall become effective unless the board of directors submits to the voters of the district, at a county or state general, primary or special election, a proposal to authorize the tax, and such tax shall become effective only after the majority of the voters voting on such tax approve such tax.

2. In the event the district seeks to impose a sales tax under this subsection, the question shall be submitted in substantially the following form:

Shall a ..... cent sales tax be levied on all retail sales within the district for the purpose of providing funding for ..... library district?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors shall have no power to impose the tax unless and until another proposal to authorize the tax is submitted to the voters of the district and such proposal is approved by a majority of the qualified voters voting thereon. The provisions of sections 32.085 and 32.087 shall apply to any tax approved under this subsection.

3. As used in this section, "qualified voters" or "voters" means any individuals residing within the district who are eligible to be registered voters and who have registered to vote under chapter 115, or, if no individuals are eligible and registered to vote reside within the proposed district, all of the owners of real property located within the proposed district who have unanimously petitioned for or consented to the adoption of an ordinance by the governing body imposing a tax authorized in this section. If the owner of the property within the proposed district is a political subdivision or corporation of the state, the governing body of such political subdivision or corporation shall be considered the owner for purposes of this section.

4. For purposes of this section the term "public library district" shall mean any city library district, county library district, city-county library district, municipal library district, consolidated library district, or urban library district."; and

Further amend said bill, Page 30, Section 339.549, Line 17, by inserting after all of said section, the following:

“Section B. Because of the immediate need to provide public safety in the state, the repeal and reenactment of sections 67.750, 67.1706, 67.1712, 67.1715, 67.1721, 67.1742, and 67.1754 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 67.750, 67.1706, 67.1712, 67.1715, 67.1721, 67.1742, and 67.1754 of section A of this act shall be in full force and effect upon its passage and approval.”; and

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

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

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

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Bill No. 813, Page 2, Section 67.085, Line 22, by inserting after all of said line the following:

"99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031 until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to article VI, section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes;



(c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to article VI, section 26(b) of the Missouri Constitution;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, or any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement **or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities**, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the

Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of **subsection 1** of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;

(i) The street address of the development site;

(j) The three-digit North American Industry Classification System number or numbers characterizing the development project;

(k) The estimated development project costs;

(l) The anticipated sources of funds to pay such development project costs;

(m) Evidence of the commitments to finance such development project costs;

(n) The anticipated type and term of the sources of funds to pay such development project costs;

(o) The anticipated type and terms of the obligations to be issued;

(p) The most recent equalized assessed valuation of the property within the development project area;

(q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;

(r) The general land uses to apply in the development area;

(s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;

(t) The total number of full-time equivalent positions in the development area;

(u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;

(v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;

(w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;

(x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;

(y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;

(z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;

(aa) A list of other community and economic benefits to result from the project;

(bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;

(cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;

(dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;

(ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;

(ff) A list of competing businesses in the county containing the development area and in each contiguous county;

(gg) A market study for the development area;

(hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the

director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund exceed thirty-two million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the Missouri supplemental tax increment financing fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the Missouri supplemental tax increment financing fund created under this section.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues."; and

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

**Representative Fuhr offered House Amendment No. 1 to House Amendment No. 7.**

*House Amendment No. 1*  
*to*  
*House Amendment No. 7*

AMEND House Amendment No. 7 to House Committee Substitute for Senate Bill No. 813, Page 3, Line 19, by inserting immediately after the numeral "95.660," the following:

**"taxes imposed on sales pursuant to section 650.399 for the purpose of emergency communication systems,"; and**

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

On motion of Representative Fuhr, **House Amendment No. 1 to House Amendment No. 7** was adopted.

On motion of Representative Torpey, **House Amendment No. 7, as amended**, was adopted.

Representative Pollock resumed the Chair.

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

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Bill No. 813, Page 1, Section A, Line 10, by inserting after all of said line the following:

"21.940. 1. There is established a joint committee of the general assembly to be known as the "Joint Committee on State Employee Wages" to function in the legislative interims through December 31, 2014, for the purpose of further studying and developing of strategies for increasing the wages of Missouri's state employees so Missouri will become competitive with their peer states in regards to state employee wages.

2. The committee shall be composed of the following members:

- (1) Two majority party members and one minority party member of the house of representatives, to be appointed by the speaker and minority leader of the house of representatives respectively;
- (2) Two majority party members and one minority party member of the senate, to be appointed by the president pro tempore and minority leader of the senate respectively;
- (3) One representative from the governor's office;
- (4) One representative from the state personnel advisory board; and
- (5) Two members of the public, with one to be appointed by the speaker of the house of representatives and one to be appointed by the president pro tempore of the senate.

A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the committee's duties.

3. The committee shall be charged with the following:

- (1) Devising a focused and concise mission statement to guide actions of the committee;
- (2) Requesting the office of administration to use moneys in the state employee wage study fund to invest in a consultant to conduct salary and total compensation surveys to more comprehensively review and analyze the state classification and compensation structures, similar to what other states have done;
- (3) Requesting the office of administration, with the advice and consent of the committee, to use the data from the comprehensive study to produce a long-term strategic plan for increasing state employee wages and to present such plan to the governor, the house budget committee, and the senate appropriations committee by January 31, 2015;
- (4) Such other matters as the committee may deem necessary in order to determine the proper course of future legislative and budgetary action regarding these issues.

4. The committee may solicit input and information necessary to fulfill its obligations, including, but not limited to, soliciting input and information from any state department or agency the committee deems relevant, political subdivisions of this state, and the general public.

5. There is hereby created in the state treasury the "State Employee Wage Study Fund" which shall consist of money collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the administration of this section. The state treasurer shall deposit to the credit of such fund all moneys which may be appropriated to it by the general assembly and any gifts, contributions, grants, bequests, or other aid received from federal, private, or other sources. The general assembly may appropriate moneys into the fund to be used by the office of administration for the purpose of investing in a consultant to conduct salary and total compensation surveys to more comprehensively review and analyze the state classification and compensation structures. Notwithstanding the provisions of section 33.080, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the

same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

**6. Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties.**

**7. The provisions of this section shall expire on January 31, 2015.";** and

Further amend said bill, Page 41, Section 339.1240, Line 11, by inserting immediately after said line the following:

"Section B. Because immediate action is necessary to help attract and maintain a talented and dedicated workforce in order to best serve the needs of Missouri citizens, the enactment of section 21.940 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 21.940 of this act shall be in full force and effect upon its passage and approval.";

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

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

Representative Franklin offered **House Amendment No. 9.**

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Bill No. 813, Page 2, Section 67.085, Line 22, by inserting after all of said section, the following:

"67.1860. Sections 67.1860 to [67.1898] **67.1894** shall be known as the "Missouri Law Enforcement District Act".

67.1862. As used in sections 67.1860 to [67.1898] **67.1894**, the following terms mean:

- (1) "Approval of the required majority" or "direct voter approval", a simple majority;
- (2) "Board", the board of directors of a district;
- (3) "District", a law enforcement district organized [pursuant to] **under** sections 67.1860 to [67.1898] **67.1894**;
- (4) **"Registered voter", any voter registered within the boundaries of the district or proposed district.**

67.1864. 1. A district may be created to fund, promote, plan, design, construct, improve, maintain and operate one or more projects relating to law enforcement or to assist in such activity.

2. A district is a political subdivision of the state.

3. A district may be created in any county of the first classification [without a charter form of government and a population of fifty thousand inhabitants or less].

67.1866. 1. Whenever the creation of a district is desired, ten percent of the registered voters within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of the county in which the proposed district is located.

2. The proposed district area shall be contiguous and may contain any portion of one or more municipalities. **Two areas may be considered contiguous if both are adjacent to the shoreline of the same body of water.**

3. The petition shall set forth:

(1) The name and address of each owner of real property located within the proposed district [or who is a] **and each** registered voter [resident] within the proposed district;

(2) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(3) A general description of the purpose or purposes for which the district is being formed; and

(4) The name of the proposed district.

4. The circuit clerk of the county in which the petition is filed [pursuant to] **under** this section shall present the petition to the judge, who shall thereupon set the petition for hearing not less than thirty days nor more than forty days after the filing. The judge shall cause notice of the time and place of the hearing to be given, by publication on three separate days in one or more newspapers having a general circulation within the county, with the third and final

publication to occur not less than twenty days prior to the date set for the hearing. The notice shall recite the information required [pursuant to] **under** subsection 3 of this section. The costs of printing and publication of the notice shall be paid as required [pursuant to] **under** section 67.1870.

**5. In the event any owner of real property within the proposed district who is named in the petition or any registered voter does not join in the petition or file an entry of appearance and waiver of service of process in the case, a copy of the petition shall be served upon such owner or registered voter in the manner provided by supreme court rule for the service of petitions generally. Any objections to the petition shall be raised by answer within the time provided by supreme court rule for the filing of an answer to a petition.**

67.1868. 1. Any owner of real property within the proposed district and any [legal] **registered** voter [who is a resident] within the proposed district may join in or file a petition supporting or answer opposing the creation of the district and seeking a judgment respecting these same issues.

2. The court shall hear the case without a jury. If the court determines the petition is defective or the proposed district or its plan of operation is unconstitutional, it shall enter its judgment to that effect and shall refuse to incorporate the district as requested in the pleadings. If the court determines the petition is not legally defective and the proposed district and plan of operation are not unconstitutional, the court shall [determine and declare] **order** the district organized and incorporated and shall approve the plan of operation stated in the petition.

3. Any party having filed a petition or answer to a petition may appeal the circuit court's order or judgment in the same manner as provided for other appeals. Any order either refusing to incorporate the district or incorporating the district shall be a final judgment for purposes of appeal.

67.1870. The costs of filing and defending the petition and all publication and incidental costs incurred in obtaining circuit court certification of the petition for voter approval shall be paid by the petitioners. If a district is organized [pursuant to] **under** sections 67.1860 to [67.1898] **67.1894**, the petitioners may be reimbursed for such costs out of the revenues received by the district.

67.1872. A district created [pursuant to] **under** sections 67.1860 to [67.1898] **67.1894** shall be governed by a board of directors consisting of five members to be elected as provided in section 67.1874.

67.1874. 1. Within thirty days after the order declaring the district organized has become final, the circuit clerk of the county in which the petition was filed shall give notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, to call a meeting of the owners of real property and registered voters [resident] within the district at a day and hour specified in a public place in the county in which the petition was filed for the purpose of electing a board of five directors, two to serve one year, two to serve two years, and one to serve three years, to be composed of [residents] **registered voters** of the district.

2. The attendees, when assembled, shall organize by [the election of] **electing** a chairman and secretary of the meeting [who]. **The secretary** shall conduct the election.

3. **Upon completion of the terms of the initial directors under subsection 1 of this section**, each director shall serve for a term of three years and until such director's successor is duly elected and qualified. Successor directors shall be elected in the same manner as the initial directors at a meeting of the [residents] **registered voters** called by the board. [Each successor director shall serve a three-year term.] The remaining directors shall have the authority to elect an interim director to complete any unexpired term of a director caused by resignation or disqualification.

4. Directors shall be at least twenty-one years of age.

67.1878. A district may receive and use funds for the purposes of planning, designing, constructing, reconstructing, maintaining and operating one or more projects relating to law enforcement. Such funds may be derived from any funding method which is authorized by sections 67.1860 to [67.1898] **67.1894** and from any other source, including but not limited to funds from federal sources, the state of Missouri or an agency of the state, a political subdivision of the state or private sources.

67.1880. 1. If approved by at least four-sevenths of the [qualified] **registered** voters voting on the question in the district, the district may impose a property tax in an amount not to exceed the annual rate of thirty cents on the hundred dollars assessed valuation. The district board may levy a property tax rate lower than its approved tax rate ceiling and may increase that lowered tax rate to a level not exceeding the tax rate ceiling **approved by the voters** without **new** voter approval. The property tax shall be uniform throughout the district.

2. The ballot of submission shall be substantially in the following form:

Shall the ..... Law Enforcement District impose a property tax upon all real and tangible personal property within the district at a rate of not more than ..... (insert amount) cents per hundred dollars assessed valuation for the purpose of providing revenue for the development of a project (or projects) in the district (insert general description of the project or projects, if necessary)?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

**If four-sevenths of the votes cast on the question by the registered voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales. If less than four-sevenths of the votes cast on the question by the registered voters voting thereon are in favor of the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the registered voters and such question is approved by the requisite four-sevenths of the registered voters voting on the question. In no event shall a proposal under this section be submitted to the voters sooner than twelve months from the date of the last proposal submitted under this section.**

3. The county collector of each county in which the district is partially or entirely located shall collect the property taxes and special benefit assessments made upon all real property and tangible personal property within that county and the district, in the same manner as other property taxes are collected.

4. Every county collector having collected or received district property taxes shall, on or before the fifteenth day of each month and after deducting his or her commissions, remit to the treasurer of that district the amount collected or received by him or her prior to the first day of the month. Upon receipt of such money, the district treasurer shall execute a receipt therefor, which he or she shall forward or deliver to the collector. The district treasurer shall deposit such sums into the district treasury, credited to the appropriate project or purpose. The collector and district treasurer shall make final settlement of the district account and commissions owing, not less than once each year, if necessary.

67.1886. In addition to all other powers granted by sections 67.1860 to [67.1898] **67.1894** the district shall have the following general powers:

- (1) To contract with the [local] **county** sheriff's department for the provision of services;
- (2) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;
- (3) To fix compensation of its employees and contractors;
- (4) To purchase any personal property necessary or convenient for its activities;
- (5) To collect and disburse funds for its activities; and
- (6) To exercise such other implied powers necessary or convenient for the district to accomplish its purposes which are not inconsistent with its express powers.

67.1888. 1. The district may obtain such insurance as it deems appropriate, considering its legal limits of liability, to protect itself, its officers and its employees from any potential liability and may also obtain such other types of insurance as it deems necessary to protect against loss of its real or personal property of any kind. The cost of this insurance shall be charged against the project.

2. The district may also require contractors performing construction or maintenance work on the project and companies providing operational and management services to obtain liability insurance having the district, its directors and employees as additional named insureds.

**3. The district may self-insure if it is unable to obtain liability insurance coverage at a rate which is economically feasible to the district, considering its resources. However,** the district shall not attempt to self-insure for its potential liabilities unless it finds that it has sufficient funds available to cover any anticipated judgments or settlements and still complete its project without interruption. [The district may self-insure if it is unable to obtain liability insurance coverage at a rate which is economically feasible to the district, considering its resources.]

67.1894. [1. The authority of the district to levy any property tax levied pursuant to section 67.1880 may be terminated by a petition of the voters in the district in the manner prescribed in this section.

2. The petition for termination of authority to tax may be changed as follows:



(1) Twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the district may file with the board a petition in writing praying that the district's authority to impose a property tax be terminated. The petition shall specifically state that the district's authority to impose any property tax, whether or not such a tax is being imposed at the time such petition is filed, shall be terminated. Such petition shall be in substantially the form set forth for petitions in chapter 116; or

(2) All of the owners of real estate in the district may file a petition with the board praying that the district's authority to impose a property tax be terminated. The petition shall specifically state that the district's authority to impose any property tax, whether or not such a tax is being imposed at the time such petition is filed, shall be terminated. Such petition shall be in substantially the form set forth for petitions in chapter 116. The petition shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the petition.

3. The secretary of the board shall cause notice of the filing of any petition filed pursuant to this section to be given and published in the county in which the property is located, which notice shall recite the filing of such petition, the number of petitioners and the prayer of the petitioners; giving notice to all persons interested to appear at the office of the board at the time named in the notice and show cause in writing, if any they have, why the petition should not be granted. The board shall at the time and place mentioned, or at such time or times to which the hearing may be adjourned, proceed to hear the petition and all objections thereto presented in writing by any person showing cause why the petition should not be granted.

4. If the board deems it for the best interest of the district, it shall grant the petition. If the petition is granted, the board shall make an order to that effect and file the petition with the circuit clerk. If the petition contains the signatures of all the owners of the property pursuant to the provisions of subdivision (2) of subsection 2 of this section, the authority to tax shall be terminated upon the order of the court. If the petition contains the signatures of twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the district pursuant to subdivision (1) of subsection 2 of this section, the authority to tax shall be terminated subject to the election provided in section 67.1896. The circuit court having jurisdiction over the district shall proceed to make any such order terminating such taxation authority as is provided in the order of the board, unless the court shall find that such order of the board was not authorized by law or that such order of the board was not supported by competent and substantial evidence.

5. Any person aggrieved by any decision of the board made pursuant to the provisions of this section may appeal that decision to the circuit court of the county in which the property is located within thirty days of the decision by the board] **Whenever the district board receives a petition, signed by a number of registered voters of the district equal to at least ten percent of the number of registered voters of the district, calling for an election to repeal the tax imposed under section 67.1880, the board shall submit to the voters of the district a proposal to repeal the tax. If a majority of the votes cast on the question by the registered voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax authorized in section 67.1880 shall remain effective until the question is resubmitted under this section to the registered voters and the repeal is approved by a majority of the registered voters voting on the question.”; and**

Further amend said bill, Page 30, Section 339.549, Line 17, by inserting after all of said section the following:

“[67.1890. 1. The boundaries of any district organized pursuant to sections 67.1860 to 67.1898 may be changed in the manner prescribed in this section; but any change of boundaries of the district shall not impair or affect its organization or its rights in or to property, or any of its rights or privileges whatsoever; nor shall it affect or impair or discharge any contract, obligation, lien or charge for or upon which it might be liable or chargeable had any change of boundaries not been made.

2. The boundaries may be changed as follows:

(1) Twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed or deannexed may file with the board a petition in writing praying that such real property be included within, or removed from, the district. The petition shall describe the property to be included in, or removed from, the district and shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in, or removal from, the district of the property described in the petition. Such petition shall be in substantially the form set forth for petitions in chapter 116; provided that, in the event that there are more than twenty-five property owners or taxpaying electors signing the petition, it shall be deemed sufficient description of their property in the petition as required in this section to list the addresses of such property; or

(2) All of the owners of any territory or tract of land near or adjacent to a district in the case of annexation, or all of the owners of any territory or tract of land within a district in the case of deannexation, who own all of the real estate in such territory or tract of land may file a petition with the board praying that such real property be included in, or removed from, the district. The petition shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in, or removal from, the district of the property described in the petition.

3. The secretary of the board shall cause notice of the filing of any petition filed pursuant to this section to be given and published in the county in which the property is located, which notice shall recite the filing of such petition, the number of petitioners, a general description of the boundaries of the area proposed to be included or removed and the prayer of the petitioners; giving notice to all persons interested to appear at the office of the board at the time named in the notice and show cause in writing, if any they have, why the petition should not be granted. The board shall at the time and place mentioned, or at such time or times to which the hearing may be adjourned, proceed to hear the petition and all objections thereto presented in writing by any person showing cause why the petition should not be granted. The failure of any person interested to show cause in writing why such petition shall not be granted shall be deemed as an assent on his or her part to the inclusion of such lands in, or removal of such lands from, the district as prayed for in the petition.

4. If the board deems it for the best interest of the district, it shall grant the petition, but if the board determines in the case of annexation that some portion of the property mentioned in the petition cannot as a practical matter be served by the district, or if it deems in the case of annexation that it is in the best interest of the district that some portion of the property in the petition not be included in the district, or if in the case of deannexation it deems that it is impracticable for any portion of the property to be deannexed from the district, then the board shall grant the petition in part only. If the petition is granted, the board shall make an order to that effect and file the petition with the circuit clerk. Upon the order of the court having jurisdiction over the district, the property shall be included in, or removed from, the district. If the petition contains the signatures of all the owners of the property pursuant to the provisions of subdivision (2) of subsection 2 of this section, the property shall be included in, or removed from, the district upon the order of the court. If the petition contains the signatures of twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed or deannexed pursuant to subdivision (1) of subsection 2 of this section, the property shall be included in, or removed from, the district subject to the election provided in section 67.1892. The circuit court having jurisdiction over the district shall proceed to make any such order including such additional property within the district, or removing such property from the district, as is provided in the order of the board, unless the court shall find that such order of the board was not authorized by law or that such order of the board was not supported by competent and substantial evidence.

5. Any person aggrieved by any decision of the board made pursuant to the provisions of this section may appeal that decision to the circuit court of the county in which the property is located within thirty days of the decision by the board.]

[67.1892. 1. If the petition to add or remove any territory or tract of land to the district contained fewer than all of the signatures required pursuant to subdivision (2) of subsection 2 of section 67.1890, the decree of extension or retraction of boundaries shall not become final and conclusive until it has been submitted to an election of the voters residing within the boundaries described in such decree and until it has been assented to by a majority vote of the voters in the newly included area, or the area to be removed, voting on the question. The decree shall also provide for the holding of the election to vote on the proposition of extending or retracting the boundaries of the district, and shall fix the date for holding the election.

2. The question shall be submitted in substantially the following form:

Shall the boundaries of the ..... Law Enforcement District be (extended to include/retracted to remove) the following described property? (Describe property)

☐ YES

☐ NO

3. If a majority of the voters voting on the proposition vote in favor of the extension or retraction of the boundaries of the district, then the court shall enter its further order declaring the decree of extension or retraction of the boundaries to be final and conclusive. In the event, however, that the court finds that a majority of the voters voting thereon voted against the proposition to extend

or retract the boundaries of the district, then the court shall enter its further order declaring the decree of extension or retraction of boundaries to be void and of no effect.]

[67.1896. 1. If the petition filed pursuant to section 67.1894 contained fewer than all of the signatures required pursuant to subdivision (2) of subsection 2 of section 67.1894, the termination of taxation authority shall not become final and conclusive until it has been submitted to an election of the voters residing within the district and until it has been assented to by at least four-sevenths of the voters in the district voting on the question. The decree shall also provide for the holding of the election to vote on the proposition, and shall fix the date for holding the election.

2. The question shall be submitted in substantially the following form:

Shall the authority of the ..... Law Enforcement District to adopt property taxes be terminated?

☐ YES

☐ NO

3. If four-sevenths of the voters voting on the proposition vote in favor of such termination, then the court shall enter its further order declaring the termination of such authority, and all such taxes that are being assessed in the current calendar year pursuant to such authority, to be final and conclusive. In the event, however, that the court finds that less than four-sevenths of the voters voting thereon voted against the proposition to terminate such authority, then the court shall enter its further order declaring the decree of termination of such district's taxing authority to be void and of no effect.]

[67.1898. 1. Whenever a petition signed by not less than ten percent of the registered voters in any district organized pursuant to sections 67.1860 to 67.1898 is filed with the circuit court having jurisdiction over the district, setting forth all the relevant facts pertaining to the district, and alleging that the further operation of the district is not in the best interests of the inhabitants of the district, and that the district should, in the interest of the public welfare and safety, be dissolved, the circuit court shall have authority, after hearing evidence submitted on such question, to order a submission of the question, after having caused publication of notice of a hearing on such petition in the same manner as the notice required in section 67.1874, in substantially the following form:

Shall ..... (Insert the name of the law enforcement district) Law Enforcement District be dissolved?

☐ YES

☐ NO

2. If the court shall find that it is to the best interest of the inhabitants of the district that such district be dissolved, it shall make an order reciting such finding and providing for the submission of the proposition to dissolve such district to a vote of the voters of the district, setting forth such further details in its order as may be necessary to an orderly conduct of such election. Such election shall be held at the municipal election. Returns of the election shall be certified to the court.

If the court finds that a majority of the voters voting thereon shall have voted in favor of the proposition to dissolve the district, the court shall make a final order dissolving the district, and the decree shall contain a proviso that the district shall continue in full force for the purpose of paying all outstanding and lawful obligations and disposing of property of the district; but no additional costs or obligations shall be created except such as are necessary to pay such costs, obligations and liabilities previously incurred, or necessary to the winding up of the district. If the court shall find that a majority of the voters of the district voting thereon shall not have voted favorably on the proposition to dissolve such district, then the court shall make a final order declaring such result dismissing the petition praying for the dissolution of said district; and the district shall continue to operate in the same manner as though the petition asking for such dissolution has not been filed.

3. The dissolution of a district shall not invalidate or affect any right accruing to such district, or to any person, or invalidate or affect any contract or indebtedness entered into or imposed upon such district or person; and whenever the circuit court shall, pursuant to this section, dissolve a district, the court shall appoint some competent person to act as trustee for the district so dissolved and such trustee before entering upon the discharge of his or her duties shall take and subscribe an oath that he or she will faithfully discharge the duties of the office, and shall give bond with sufficient security, to be approved by the court to the use of such dissolved district, for the faithful discharge of his or her duties, and shall proceed to liquidate the district under orders of the court, including the levying of any taxes provided for in sections 67.1860 to 67.1898.]"; and

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

On motion of Representative Franklin, **House Amendment No. 9** was adopted.

Representative Solon offered **House Amendment No. 10**.

*House Amendment No. 10*

AMEND House Committee Substitute for Senate Bill No. 813, Page 2, Section 67.085, Line 22, by inserting after all of said line the following:

“67.463. 1. At the hearing to consider the proposed improvements and assessments, the governing body shall hear and pass upon all objections to the proposed improvements and proposed assessments, if any, and may amend the proposed improvements, and the plans and specifications therefor, or assessments as to any property, and thereupon by ordinance or resolution the governing body of the city or county shall order that the improvement be made and direct that financing for the cost thereof be obtained as provided in sections 67.453 to 67.475.

2. After construction of the improvement has been completed in accordance with the plans and specifications therefor, the governing body shall compute the final costs of the improvement and apportion the costs among the property benefitted by such improvement in such equitable manner as the governing body shall determine, charging each parcel of property with its proportionate share of the costs, and by resolution or ordinance, assess the final cost of the improvement or the amount of general obligation bonds issued or to be issued therefor as special assessments against the property described in the assessment roll.

3. After the passage or adoption of the ordinance or resolution assessing the special assessments, the city clerk or county clerk shall mail a notice to each property owner within the district which sets forth a description of each parcel of real property to be assessed which is owned by such owner, the special assessment assigned to such property, and a statement that the property owner may pay such assessment in full, together with interest accrued thereon from the effective date of such ordinance or resolution, on or before a specified date determined by the effective date of the ordinance or resolution, or may pay such assessment in annual installments as provided in subsection 4 of this section.

4. The special assessments shall be assessed upon the property included therein concurrent with general property taxes, and shall be payable in substantially equal annual installments for a duration stated in the ballot measure prescribed in subsection 2 of section 67.457 or in the petition prescribed in subsection 3 of section 67.457, and, if authorized, an assessment in each year thereafter levied and collected in the same manner with the proceeds thereof used solely for maintenance of the improvement, taking into account such assessments and interest thereon, as the governing body determines. The first installment shall be payable after the first collection of general property taxes following the adoption of the assessment ordinance or resolution unless such ordinance or resolution was adopted and certified too late to permit its collection at such time. All assessments shall bear interest at such rate as the governing body determines, not to exceed the rate permitted for bonds by section 108.170. Interest on the assessment between the effective date of the ordinance or resolution assessing the assessment and the date the first installment is payable shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid. In the case of a special assessment by a city, all of the installments, together with the interest accrued or to accrue thereon, may be certified by the city clerk to the county clerk in one instrument at the same time. Such certification shall be good for all of the installments, and the interest thereon payable as special assessments.

5. Special assessments shall be collected and paid over to the city treasurer or county treasurer in the same manner as taxes of the city or county are collected and paid. In any county [of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants], the county collector may collect a fee as prescribed by section 52.260 for collection of assessments under this section.

67.469. A special assessment authorized under the provisions of sections 67.453 to 67.475 shall be a lien, from the date of the assessment, on the property against which it is assessed on behalf of the city or county assessing the same to the same extent as a tax upon real property. The lien may be foreclosed in the same manner as a tax upon real property by land tax sale pursuant to chapter 140 or, **if applicable to that county, chapter 141, or**, [by judicial foreclosure proceeding,] at the option of the governing body, **by judicial foreclosure proceeding**. Upon the foreclosure of any such lien, whether by land tax sale or by judicial foreclosure proceeding, the entire remaining assessment may become due and payable and may be recoverable in such foreclosure proceeding at the option of the governing body.”; and

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

On motion of Representative Solon, **House Amendment No. 10** was adopted.

Representative Zerr offered **House Amendment No. 11**.

*House Amendment No. 11*

AMEND House Committee Substitute for Senate Bill No. 813, Page 2, Section 67.085, Line 22, by inserting after all of said section and line the following:

- "135.680. 1. As used in this section, the following terms shall mean:
- (1) "Adjusted purchase price", the product of:
    - (a) The amount paid to the issuer of a qualified equity investment for such qualified equity investment; and
    - (b) The following fraction:
      - a. The numerator shall be the dollar amount of qualified low-income community investments held by the issuer in this state as of the credit allowance date during the applicable tax year; and
      - b. The denominator shall be the total dollar amount of qualified low-income community investments held by the issuer in all states as of the credit allowance date during the applicable tax year;
      - c. For purposes of calculating the amount of qualified low-income community investments held by an issuer, an investment shall be considered held by an issuer even if the investment has been sold or repaid; provided that the issuer reinvests an amount equal to the capital returned to or recovered by the issuer from the original investment, exclusive of any profits realized, in another qualified low-income community investment within twelve months of the receipt of such capital. An issuer shall not be required to reinvest capital returned from qualified low-income community investments after the sixth anniversary of the issuance of the qualified equity investment, the proceeds of which were used to make the qualified low-income community investment, and the qualified low-income community investment shall be considered held by the issuer through the seventh anniversary of the qualified equity investment's issuance;
  - (2) "Applicable percentage", zero percent for each of the first two credit allowance dates, seven percent for the third credit allowance date, and eight percent for the next four credit allowance dates;
  - (3) "Credit allowance date", with respect to any qualified equity investment:
    - (a) The date on which such investment is initially made; and
    - (b) Each of the six anniversary dates of such date thereafter;
  - (4) "Long-term debt security", any debt instrument issued by a qualified community development entity, at par value or a premium, with an original maturity date of at least seven years from the date of its issuance, with no acceleration of repayment, amortization, or prepayment features prior to its original maturity date, and with no distribution, payment, or interest features related to the profitability of the qualified community development entity or the performance of the qualified community development entity's investment portfolio. The foregoing shall in no way limit the holder's ability to accelerate payments on the debt instrument in situations where the issuer has defaulted on covenants designed to ensure compliance with this section or Section 45D of the Internal Revenue Code of 1986, as amended;
  - (5) "Qualified active low-income community business", the meaning given such term in Section 45D of the Internal Revenue Code of 1986, as amended; provided that any business that derives or projects to derive fifteen percent or more of its annual revenue from the rental or sale of real estate shall not be considered to be a qualified active low-income community business;
  - (6) "Qualified community development entity", the meaning given such term in Section 45D of the Internal Revenue Code of 1986, as amended; provided that such entity has entered into an allocation agreement with the Community Development Financial Institutions Fund of the U.S. Treasury Department with respect to credits authorized by Section 45D of the Internal Revenue Code of 1986, as amended, which includes the state of Missouri within the service area set forth in such allocation agreement;
  - (7) "Qualified equity investment", any equity investment in, or long-term debt security issued by, a qualified community development entity that:
    - (a) Is acquired after September 4, 2007, at its original issuance solely in exchange for cash;
    - (b) Has at least eighty-five percent of its cash purchase price used by the issuer to make qualified low-income community investments; and

(c) Is designated by the issuer as a qualified equity investment under this subdivision and is certified by the department of economic development as not exceeding the limitation contained in subsection 2 of this section. This term shall include any qualified equity investment that does not meet the provisions of paragraph (a) of this subdivision if such investment was a qualified equity investment in the hands of a prior holder;

(8) "Qualified low-income community investment", any capital or equity investment in, or loan to, any qualified active low-income community business. With respect to any one qualified active low-income community business, the maximum amount of qualified low-income community investments made in such business, on a collective basis with all of its affiliates, that may be used from the calculation of any numerator described in subparagraph a. of paragraph (b) of subdivision (1) of this subsection shall be ten million dollars whether issued to one or several qualified community development entities;

(9) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed in sections 143.191 to 143.265, or otherwise due under section 375.916 or chapter 147, 148, or 153;

(10) "Taxpayer", any individual or entity subject to the tax imposed in chapter 143, excluding withholding tax imposed in sections 143.191 to 143.265, or the tax imposed in section 375.916 or chapter 147, 148, or 153.

2. A taxpayer that makes a qualified equity investment earns a vested right to tax credits under this section. On each credit allowance date of such qualified equity investment the taxpayer, or subsequent holder of the qualified equity investment, shall be entitled to a tax credit during the taxable year including such credit allowance date. The tax credit amount shall be equal to the applicable percentage of the adjusted purchase price paid to the issuer of such qualified equity investment. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the tax year for which the tax credit is claimed. No tax credit claimed under this section shall be refundable or transferable. Tax credits earned by a partnership, limited liability company, S-corporation, or other pass-through entity may be allocated to the partners, members, or shareholders of such entity for their direct use in accordance with the provisions of any agreement among such partners, members, or shareholders. Any amount of tax credit that the taxpayer is prohibited by this section from claiming in a taxable year may be carried forward to any of the taxpayer's five subsequent taxable years. The department of economic development shall limit the monetary amount of qualified equity investments permitted under this section to a level necessary to limit tax credit utilization at no more than twenty-five million dollars of tax credits in any fiscal year. Such limitation on qualified equity investments shall be based on the anticipated utilization of credits without regard to the potential for taxpayers to carry forward tax credits to later tax years.

3. The issuer of the qualified equity investment shall certify to the department of economic development the anticipated dollar amount of such investments to be made in this state during the first twelve-month period following the initial credit allowance date. If on the second credit allowance date, the actual dollar amount of such investments is different than the amount estimated, the department of economic development shall adjust the credits arising on the second allowance date to account for such difference.

4. The department of economic development shall recapture the tax credit allowed under this section with respect to such qualified equity investment under this section if:

(1) Any amount of the federal tax credit available with respect to a qualified equity investment that is eligible for a tax credit under this section is recaptured under Section 45D of the Internal Revenue Code of 1986, as amended; or

(2) The issuer redeems or makes principal repayment with respect to a qualified equity investment prior to the seventh anniversary of the issuance of such qualified equity investment. Any tax credit that is subject to recapture shall be recaptured from the taxpayer that claimed the tax credit on a return.

5. The department of economic development shall promulgate rules to implement the provisions of this section, including recapture provisions on a scaled proportional basis, and to administer the allocation of tax credits issued for qualified equity investments, which shall be conducted on a first-come, first-serve basis. 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 September 4, 2007, shall be invalid and void.

6. For fiscal years following fiscal year [2010] **2015**, qualified equity investments shall not be made under this section unless reauthorization is made pursuant to this subsection. For all fiscal years following fiscal year [2010] **2015**, unless the general assembly adopts a concurrent resolution granting authority to the department of economic development to approve qualified equity investments for the Missouri new markets development program and clearly describing the amount of tax credits available for the next fiscal year, or otherwise complies with the provisions of this

subsection, no qualified equity investments may be permitted to be made under this section. The amount of available tax credits contained in such a resolution shall not exceed the limitation provided under subsection 2 of this section. In any year in which the provisions of this section shall sunset pursuant to subsection 7 of this section, reauthorization shall be made by general law and not by concurrent resolution. Nothing in this subsection shall preclude a taxpayer who makes a qualified equity investment prior to the expiration of authority to make qualified equity investments from claiming tax credits relating to such qualified equity investment for each applicable credit allowance date.

7. 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 September 4, [2007] **2012**, 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. However, nothing in this subsection shall preclude a taxpayer who makes a qualified equity investment prior to sunset of this section under the provisions of section 23.253 from claiming tax credits relating to such qualified equity investment for each credit allowance date."; and

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

Representative Schieber offered **House Amendment No. 1 to House Amendment No. 11.**

*House Amendment No. 1  
to  
House Amendment No. 11*

AMEND House Amendment No. 11 to House Committee Substitute for Senate Bill No. 813, Page 1, Line 2, by inserting after all of said line the following:

‘Further amend said bill, Page 2, Section 67.085, Line 22, by inserting after all of said section and line the following:

“135.215. 1. Improvements made to "real property" as such term is defined in section 137.010, which are made in an enterprise zone subsequent to the date such zone or expansion thereto was designated, may upon approval of an authorizing resolution by the governing authority having jurisdiction of the area in which the improvements are made, be exempt, in whole or in part, from assessment and payment of ad valorem taxes of one or more affected political subdivisions, provided that, except as to the exemption allowed under subsection 3 of this section, at least fifty new jobs that provide an average of at least thirty-five hours of employment per week per job are created and maintained at the new or expanded facility. Such authorizing resolution shall specify the percent of the exemption to be granted, the duration of the exemption to be granted, and the political subdivisions to which such exemption is to apply and any other terms, conditions or stipulations otherwise required. A copy of the resolution shall be provided the director within thirty calendar days following adoption of the resolution by the governing authority.

2. No exemption shall be granted until the governing authority holds a public hearing for the purpose of obtaining the opinions and suggestions of residents of political subdivisions to be affected by the exemption from property taxes. The governing authority shall send, by certified mail, a notice of such hearing to each political subdivision in the area to be affected and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by the exemption at least twenty days prior to the hearing but not more than thirty days prior to the hearing. Such notice shall state the time, location, date and purpose of the hearing.

3. Notwithstanding subsection 1 of this section, at least one-half of the ad valorem taxes otherwise imposed on subsequent improvements to real property located in an enterprise zone shall become and remain exempt from assessment and payment of ad valorem taxes of any political subdivision of this state or municipality thereof, **if said political subdivision or municipality levies ad valorem taxes**, for a period of not less than ten years following the date such improvements were assessed, provided the improved properties are used for assembling, fabricating, processing, manufacturing, mining, warehousing or distributing properties.

4. No exemption shall be granted for a period more than twenty-five years following the date on which the original enterprise zone was designated by the department except for any enterprise zone within any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred

inhabitants provided in any instance the exemption shall not be granted for a period longer than twenty-five years from the date on which the exemption was granted.

5. The provisions of subsection 1 of this section shall not apply to improvements made to real property which have been started prior to August 28, 1991.

6. The mandatory abatement referred to in this section shall not relieve the assessor or other responsible official from ascertaining the amount of the equalized assessed value of all taxable property annually as required by section 99.855 and shall not have the effect of reducing the payments in lieu of taxes referred to in subdivision (2) of section 99.845 unless such reduction is set forth in the plan approved by the governing body of the municipality pursuant to subdivision (1) of section 99.820.

7. Effective August 28, 2004, any abatement or exemption provided for in this section on an individual parcel of real property shall cease after a period of thirty days of business closure, work stoppage, major reduction in force, or a significant change in the type of business conducted at that location. For the purposes of this subsection, "work stoppage" shall not include strike or lockout or time necessary to retool a plant, and "major reduction in force" is defined as a seventy-five percent or greater reduction.

Any owner or new owner may reapply, but cannot receive the abatement or exemption for any period of time beyond the original life of the enterprise zone.

135.963. 1. Improvements made to real property as such term is defined in section 137.010 which are made in an enhanced enterprise zone subsequent to the date such zone or expansion thereto was designated, may, upon approval of an authorizing resolution or ordinance by the governing authority having jurisdiction of the area in which the improvements are made, be exempt, in whole or in part, from assessment and payment of ad valorem taxes of one or more affected political subdivisions. Improvements made to real property, as such term is defined in section 137.010, which are locally assessed and in a renewable energy generation zone designated as an enhanced enterprise zone, subsequent to the date such enhanced enterprise zone or expansion thereto was designated, may, upon approval of an authorizing resolution or ordinance by the governing authority having jurisdiction of the area in which the improvements are made, be exempt, in whole or in part, from assessment and payment of ad valorem taxes of one or more affected political subdivisions. In addition to enhanced business enterprises, a speculative industrial or warehouse building constructed by a public entity or a private entity if the land is leased by a public entity may be subject to such exemption.

2. Such authorizing resolution shall specify the percent of the exemption to be granted, the duration of the exemption to be granted, and the political subdivisions to which such exemption is to apply and any other terms, conditions, or stipulations otherwise required. A copy of the resolution shall be provided to the director within thirty calendar days following adoption of the resolution by the governing authority.

3. No exemption shall be granted until the governing authority holds a public hearing for the purpose of obtaining the opinions and suggestions of residents of political subdivisions to be affected by the exemption from property taxes. The governing authority shall send, by certified mail, a notice of such hearing to each political subdivision in the area to be affected and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by the exemption at least twenty days prior to the hearing but not more than thirty days prior to the hearing. Such notice shall state the time, location, date, and purpose of the hearing.

4. Notwithstanding subsection 1 of this section, at least one-half of the ad valorem taxes otherwise imposed on subsequent improvements to real property located in an enhanced enterprise zone of enhanced business enterprises or speculative industrial or warehouse buildings as indicated in subsection 1 of this section shall become and remain exempt from assessment and payment of ad valorem taxes of any political subdivision of this state or municipality thereof, **if said political subdivision or municipality levies ad valorem taxes**, for a period of not less than ten years following the date such improvements were assessed, provided the improved properties are used for enhanced business enterprises. The exemption for speculative buildings is subject to the approval of the governing authority for a period not to exceed two years if the building is owned by a private entity and five years if the building is owned or ground leased by a public entity. This shall not preclude the building receiving an exemption for the remaining time period established by the governing authority if it was occupied by an enhanced business enterprise. The two- and five-year time periods indicated for speculative buildings shall not be an addition to the local abatement time period for such facility.

5. No exemption shall be granted for a period more than twenty-five years following the date on which the original enhanced enterprise zone was designated by the department.

6. The provisions of subsection 1 of this section shall not apply to improvements made to real property begun prior to August 28, 2004.



7. The abatement referred to in this section shall not relieve the assessor or other responsible official from ascertaining the amount of the equalized assessed value of all taxable property annually as required by section 99.855, 99.957, or 99.1042 and shall not have the effect of reducing the payments in lieu of taxes referred to in subdivision (2) of subsection 1 of section 99.845, subdivision (2) of subsection 3 of section 99.957, or subdivision (2) of subsection 3 of section 99.1042 unless such reduction is set forth in the plan approved by the governing body of the municipality pursuant to subdivision (1) of subsection 1 of section 99.820, section 99.942, or section 99.1027.”; and”; and

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

On motion of Representative Schieber, **House Amendment No. 1 to House Amendment No. 11** was adopted.

On motion of Representative Zerr, **House Amendment No. 11, as amended**, was adopted.

Representative Ruzicka offered **House Amendment No. 12**.

*House Amendment No. 12*

AMEND House Committee Substitute for Senate Bill No. 813, Page 30, Section 339.549, Line 17, by inserting after all of said section and line the following:

**“Section 1. 1. There is hereby created in the state treasury the “Law Enforcement Data Sharing Equalization Fund”, which shall consist of money collected under section 2. The fund shall be administered by the peace officers standards and training commission established in section 590.120. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the operational support and expansion of the law enforcement data sharing equalization fund system.**

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

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

**Section 2. A surcharge in criminal cases for law enforcement services which are disposed of by a traffic or central violations bureau established pursuant to law or supreme court rule shall be charged in an amount which shall equal the charge by sheriffs, county marshals, or other officers for their services rendered in criminal cases for infractions and the surcharge shall be distributed as follows:**

**(1) One-half of the surcharge collected shall be forwarded and deposited to the credit of the law enforcement data sharing equalization fund established in section 1 for the operational cost of the law enforcement data sharing equalization fund system; and**

**(2) One-half of the surcharge collected shall be deposited to the credit of the inmate security fund of the county or municipal political subdivision from which the citation originated. If the county or municipal political subdivision has not established an inmate security fund, the funds shall be deposited in the law enforcement data sharing equalization fund.”; and**

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

On motion of Representative Ruzicka, **House Amendment No. 12** was adopted.

Representative Jones (89) moved the previous question.

## Which motion was adopted by the following vote:

AYES: 089

|                |             |              |              |            |
|----------------|-------------|--------------|--------------|------------|
| Allen          | Bahr        | Barnes       | Bernskoetter | Berry      |
| Brandom        | Brown 85    | Brown 116    | Burlison     | Cauthorn   |
| Cierpiot       | Conway 14   | Cookson      | Cox          | Crawford   |
| Curtman        | Davis       | Day          | Denison      | Dieckhaus  |
| Elmer          | Entlicher   | Fisher       | Fitzwater    | Flanigan   |
| Fraker         | Franz       | Frederick    | Fuhr         | Funderburk |
| Gatschenberger | Gosen       | Grisamore    | Guernsey     | Haefner    |
| Hampton        | Higdon      | Hoskins      | Hough        | Houghton   |
| Johnson        | Jones 89    | Jones 117    | Keeney       | Kelley 126 |
| Klippenstein   | Koenig      | Lair         | Lant         | Largent    |
| Lasater        | Leach       | Lichtenegger | Long         | Marshall   |
| McCaherty      | McGhee      | McNary       | Molendorp    | Nance      |
| Neth           | Nolte       | Parkinson    | Phillips     | Pollock    |
| Reiboldt       | Rowland     | Ruzicka      | Sater        | Schad      |
| Scharnhorst    | Schatz      | Schieber     | Schoeller    | Shumake    |
| Silvey         | Solon       | Sommer       | Stream       | Thomson    |
| Torpey         | Wallingford | Wells        | Weter        | White      |
| Wieland        | Wright      | Wyatt        | Zerr         |            |

NOES: 052

|            |             |          |               |             |
|------------|-------------|----------|---------------|-------------|
| Anders     | Atkins      | Aull     | Black         | Brown 50    |
| Carlson    | Casey       | Colona   | Conway 27     | Ellinger    |
| Ellington  | Fallert     | Harris   | Hodges        | Hubbard     |
| Hughes     | Hummel      | Jones 63 | Kander        | Kelly 24    |
| Kirkton    | Kratky      | Lampe    | McCann Beatty | McCreery    |
| McDonald   | McGeoghegan | 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: 022

|           |            |            |         |           |
|-----------|------------|------------|---------|-----------|
| Asbury    | Brattin    | Carter     | Cross   | Diehl     |
| Dugger    | Franklin   | Hinson     | Holsman | Korman    |
| Lauer     | Leara      | Loehner    | May     | McManus   |
| Nasheed   | Redmon     | Richardson | Riddle  | Schneider |
| Smith 150 | Mr Speaker |            |         |           |

On motion of Representative Dieckhaus, **HCS SB 813, as amended**, was adopted.

On motion of Representative Dieckhaus, **HCS SB 813, as amended**, was read the third time and passed by the following vote:

AYES: 084

|           |              |                |              |            |
|-----------|--------------|----------------|--------------|------------|
| Allen     | Atkins       | Aull           | Bernskoetter | Black      |
| Brandom   | Brown 50     | Brown 116      | Cierpiot     | Conway 14  |
| Cox       | Crawford     | Davis          | Day          | Denison    |
| Dieckhaus | Diehl        | Dugger         | Elmer        | Entlicher  |
| Fallert   | Fisher       | Fitzwater      | Flanigan     | Fraker     |
| Franz     | Funderburk   | Gatschenberger | Gosen        | Grisamore  |
| Guernsey  | Haefner      | Harris         | Higdon       | Hinson     |
| Hoskins   | Hough        | Houghton       | Hubbard      | Johnson    |
| Jones 63  | Jones 89     | Jones 117      | Keeney       | Kelley 126 |
| Kelly 24  | Klippenstein | Korman         | Lair         | Lant       |
| Largent   | Leara        | Lichtenegger   | Loehner      | McGhee     |
| Meadows   | Nance        | Neth           | Nolte        | Parkinson  |
| Phillips  | Pollock      | Redmon         | Richardson   | Rowland    |
| Ruzicka   | Schad        | Scharnhorst    | Schatz       | Schieffer  |
| Smith 71  | Solon        | Sommer         | Stream       | Swinger    |
| Taylor    | Thomson      | Torpey         | Webber       | Wells      |
| Wright    | Wyatt        | Zerr           | Mr Speaker   |            |

NOES: 070

|               |          |            |             |             |
|---------------|----------|------------|-------------|-------------|
| Anders        | Asbury   | Bahr       | Barnes      | Berry       |
| Brattin       | Brown 85 | Burlison   | Carlson     | Casey       |
| Cauthorn      | Colona   | Conway 27  | Cookson     | Cross       |
| Curtman       | Ellinger | Ellington  | Frederick   | Fuhr        |
| Hampton       | Hodges   | Holsman    | Hughes      | Hummel      |
| Kander        | Kirkton  | Koenig     | Kratky      | Lampe       |
| Lasater       | Leach    | Long       | Marshall    | McCaherty   |
| McCann Beatty | McCreery | McDonald   | McGeoghegan | McManus     |
| McNary        | McNeil   | Montecillo | Morgan      | Newman      |
| Nichols       | Oxford   | Pace       | Pierson     | Quinn       |
| Reiboldt      | Rizzo    | Sater      | Schieber    | Schoeller   |
| Schupp        | Shively  | Sifton     | Silvey      | Smith 150   |
| Spreng        | Still    | Swearingen | Talboy      | Wallingford |
| Walton Gray   | Webb     | Weter      | White       | Wieland     |

PRESENT: 002

|           |         |
|-----------|---------|
| Molendorp | Shumake |
|-----------|---------|

ABSENT WITH LEAVE: 007

|        |           |       |     |         |
|--------|-----------|-------|-----|---------|
| Carter | Franklin  | Lauer | May | Nasheed |
| Riddle | Schneider |       |     |         |

Representative Pollock declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 084

|            |           |              |                |           |
|------------|-----------|--------------|----------------|-----------|
| Allen      | Aull      | Bernskoetter | Black          | Brandom   |
| Brown 50   | Brown 116 | Carter       | Cauthorn       | Cierpiot  |
| Conway 14  | Cookson   | Cox          | Crawford       | Davis     |
| Day        | Denison   | Dieckhaus    | Dugger         | Elmer     |
| Entlicher  | Fallert   | Fisher       | Fitzwater      | Flanigan  |
| Fraker     | Franz     | Funderburk   | Gatschenberger | Gosen     |
| Grisamore  | Guernsey  | Haefner      | Higdon         | Hinson    |
| Hoskins    | Hough     | Houghton     | Hubbard        | Johnson   |
| Jones 63   | Jones 89  | Jones 117    | Kander         | Keeney    |
| Kelley 126 | Kelly 24  | Klippenstein | Korman         | Lair      |
| Lant       | Largent   | Leara        | Lichtenegger   | Loehner   |
| McGhee     | Nance     | Neth         | Nolte          | Parkinson |
| Phillips   | Pollock   | Quinn        | Redmon         | Reiboldt  |
| Richardson | Rowland   | Ruzicka      | Scharnhorst    | Schieffer |
| Shively    | Shumake   | Smith 71     | Smith 150      | Solon     |
| Sommer     | Stream    | Swinger      | Thomson        | Torpey    |
| Webber     | Wright    | Wyatt        | Zerr           |           |

NOES: 064

|           |             |           |               |             |
|-----------|-------------|-----------|---------------|-------------|
| Anders    | Asbury      | Atkins    | Bahr          | Barnes      |
| Berry     | Brown 85    | Burlison  | Carlson       | Casey       |
| Colona    | Conway 27   | Cross     | Curtman       | Ellinger    |
| Ellington | Frederick   | Fuhr      | Hampton       | Harris      |
| Hodges    | Holsman     | Hughes    | Hummel        | Kirkton     |
| Koenig    | Kratky      | Lampe     | Lasater       | Leach       |
| Long      | Marshall    | McCaherty | McCann Beatty | McCreery    |
| McDonald  | McGeoghegan | McManus   | McNary        | McNeil      |
| Meadows   | Montecillo  | Morgan    | Newman        | Nichols     |
| Oxford    | Pace        | Pierson   | Rizzo         | Sater       |
| Schieber  | Schoeller   | Schupp    | Sifton        | Silvey      |
| Spreng    | Talboy      | Taylor    | Wallingford   | Walton Gray |
| Webb      | Weter       | White     | Wieland       |             |

PRESENT: 001

Molendorp

ABSENT WITH LEAVE: 014

|         |            |          |            |           |
|---------|------------|----------|------------|-----------|
| Brattin | Diehl      | Franklin | Lauer      | May       |
| Nasheed | Riddle     | Schad    | Schatz     | Schneider |
| Still   | Swearingen | Wells    | Mr Speaker |           |

**HCS SCS SB 625**, relating to retirement, was taken up by Representative Jones (117).

Representative Jones (117) offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 625, Pages 1 to 4, Sections 50.1130, 50.1140, 56.807, by removing all of said sections from the bill; and

Further amend said bill, Pages 5 to 11, Sections 104.1084 and 104.1091, by removing all of said sections from the bill; and

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

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

*House Amendment No. 1*

*to*

*House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 625, Page 1, Line 2, by deleting the following, "Pages 1 to 4, Sections 50.1130, 50.1140," and inserting in lieu thereof, "Pages 2 to 4, Section"; and

Further amend said amendment, Page 1, Line 5, by deleting, "Pages 5 to 11, Sections 104.1084 and 104.1091" and inserting in lieu thereof, "Pages 5 to 7, Section 104.1084"; and

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

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 094

|           |             |                |              |              |
|-----------|-------------|----------------|--------------|--------------|
| Allen     | Asbury      | Bahr           | Barnes       | Bernskoetter |
| Berry     | Brandom     | Brattin        | Brown 85     | Brown 116    |
| Burlison  | Cauthorn    | Cierpiot       | Conway 14    | Cookson      |
| Cox       | Crawford    | Cross          | Curtman      | Davis        |
| Dieckhaus | Dugger      | Elmer          | Entlicher    | Fisher       |
| Fitzwater | Flanigan    | Fraker         | Franz        | Frederick    |
| Fuhr      | Funderburk  | Gatschenberger | Gosen        | Grisamore    |
| Guernsey  | Haefner     | Hampton        | Higdon       | Hinson       |
| Hoskins   | Hough       | Houghton       | Johnson      | Jones 89     |
| Jones 117 | Keeney      | Kelley 126     | Klippenstein | Koenig       |
| Korman    | Lair        | Lant           | Largent      | Lasater      |
| Leach     | Leara       | Lichtenegger   | Long         | Marshall     |
| McCaherty | McGhee      | Molendorp      | Nance        | Neth         |
| Nolte     | Parkinson   | Phillips       | Pollock      | Redmon       |
| Reiboldt  | Richardson  | Rowland        | Ruzicka      | Sater        |
| Schad     | Scharnhorst | Schatz         | Schieber     | Schoeller    |

## 2389 *Journal of the House*

|         |        |             |       |        |
|---------|--------|-------------|-------|--------|
| Shumake | Silvey | Smith 150   | Solon | Sommer |
| Thomson | Torpey | Wallingford | Weter | White  |
| Wieland | Wright | Wyatt       | Zerr  |        |

NOES: 055

|          |               |             |            |             |
|----------|---------------|-------------|------------|-------------|
| Anders   | Atkins        | Aull        | Black      | Brown 50    |
| Carlson  | Carter        | Casey       | Colona     | Conway 27   |
| Ellinger | Ellington     | Fallert     | Harris     | Hodges      |
| Holsman  | Hubbard       | Hughes      | Hummel     | Jones 63    |
| Kander   | Kelly 24      | Kirkton     | Kratky     | Lampe       |
| May      | McCann Beatty | McCreery    | McDonald   | McGeoghegan |
| McManus  | McNeil        | Meadows     | Montecillo | Morgan      |
| Newman   | 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: 014

|           |         |         |            |        |
|-----------|---------|---------|------------|--------|
| Day       | Denison | Diehl   | Franklin   | Lauer  |
| Loehner   | McNary  | Nasheed | Nichols    | Riddle |
| Schneider | Stream  | Wells   | Mr Speaker |        |

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

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

|              |                |              |             |              |
|--------------|----------------|--------------|-------------|--------------|
| Allen        | Asbury         | Bahr         | Barnes      | Bernskoetter |
| Berry        | Brandom        | Brattin      | Brown 85    | Brown 116    |
| Burlison     | Cauthorn       | Cierpiot     | Conway 14   | Cookson      |
| Cox          | Crawford       | Cross        | Curtman     | Davis        |
| Dugger       | Elmer          | Entlicher    | Fisher      | Fitzwater    |
| Flanigan     | Fraker         | Franz        | Frederick   | Fuhr         |
| Funderburk   | Gatschenberger | Gosen        | Grisamore   | Guernsey     |
| Haefner      | Hampton        | Higdon       | Hinson      | Hoskins      |
| Hough        | Houghton       | Johnson      | Jones 89    | Jones 117    |
| Keeney       | Kelley 126     | Klippenstein | Korman      | Lair         |
| Lant         | Largent        | Lasater      | Leach       | Leara        |
| Lichtenegger | Loehner        | Long         | Marshall    | McCaherty    |
| McGhee       | McNary         | Molendorp    | Nance       | Neth         |
| Nolte        | Parkinson      | Phillips     | Pollock     | Redmon       |
| Reiboldt     | Richardson     | Rowland      | Ruzicka     | Sater        |
| Schad        | Scharnhorst    | Schatz       | Schieber    | Schoeller    |
| Shumake      | Silvey         | Smith 150    | Solon       | Sommer       |
| Stream       | Thomson        | Torpey       | Wallingford | Weter        |
| White        | Wieland        | Wright       | Wyatt       | Zerr         |

NOES: 053

|             |            |             |          |               |
|-------------|------------|-------------|----------|---------------|
| Anders      | Atkins     | Aull        | Black    | Brown 50      |
| Carlson     | Carter     | Casey       | Colona   | Conway 27     |
| Ellington   | Fallert    | Harris      | Hodges   | Hubbard       |
| Hughes      | Hummel     | Jones 63    | Kander   | Kelly 24      |
| Kirkton     | Kratky     | Lampe       | May      | McCann Beatty |
| McCreery    | McDonald   | McGeoghegan | McManus  | McNeil        |
| Meadows     | Montecillo | Morgan      | Newman   | Nichols       |
| Oxford      | Pace       | Pierson     | Rizzo    | Schieffer     |
| Schupp      | Shively    | Sifton      | Smith 71 | Spreng        |
| Still       | Swearingen | Swinger     | Talboy   | Taylor        |
| Walton Gray | Webb       | Webber      |          |               |

PRESENT: 000

ABSENT WITH LEAVE: 015

|          |         |           |       |            |
|----------|---------|-----------|-------|------------|
| Day      | Denison | Dieckhaus | Diehl | Ellinger   |
| Franklin | Holsman | Koenig    | Lauer | Nasheed    |
| Quinn    | Riddle  | Schneider | Wells | Mr Speaker |

On motion of Representative Jones (117), **House Amendment No. 1, as amended**, was adopted.

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 088

|          |              |             |            |              |
|----------|--------------|-------------|------------|--------------|
| Allen    | Asbury       | Bahr        | Barnes     | Bernskoetter |
| Berry    | Brandom      | Brattin     | Brown 85   | Brown 116    |
| Burlison | Cauthorn     | Cierpiot    | Conway 14  | Cookson      |
| Cox      | Crawford     | Cross       | Curtman    | Davis        |
| Dugger   | Entlicher    | Fisher      | Fitzwater  | Flanigan     |
| Fraker   | Franz        | Frederick   | Fuhr       | Funderburk   |
| Gosen    | Grisamore    | Guernsey    | Haefner    | Hampton      |
| Higdon   | Hinson       | Hoskins     | Houghton   | Johnson      |
| Jones 89 | Jones 117    | Keeney      | Kelley 126 | Klippenstein |
| Koenig   | Lair         | Lant        | Largent    | Lasater      |
| Leara    | Lichtenegger | Loehner     | Marshall   | McCaherty    |
| McGhee   | McNary       | Molendorp   | Nance      | Neth         |
| Nolte    | Parkinson    | Phillips    | Pollock    | Redmon       |
| Reiboldt | Richardson   | Rowland     | Ruzicka    | Sater        |
| Schad    | Scharnhorst  | Schatz      | Schieber   | Shumake      |
| Silvey   | Smith 150    | Solon       | Sommer     | Stream       |
| Thomson  | Torpey       | Wallingford | Weter      | Wieland      |
| Wright   | Wyatt        | Zerr        |            |              |

NOES: 047

|           |          |           |         |        |
|-----------|----------|-----------|---------|--------|
| Aull      | Black    | Brown 50  | Carlson | Colona |
| Conway 27 | Ellinger | Ellington | Fallert | Harris |
| Hodges    | Holsman  | Hubbard   | Hughes  | Hummel |
| Kander    | Kelly 24 | Kirkton   | Kratky  | Lampe  |

## 2391 *Journal of the House*

|               |            |          |             |          |
|---------------|------------|----------|-------------|----------|
| McCann Beatty | McCreery   | McDonald | McGeoghegan | McManus  |
| McNeil        | Montecillo | Morgan   | Newman      | Nichols  |
| Oxford        | Pace       | Pierson  | Quinn       | Rizzo    |
| Schieffer     | Schupp     | Shively  | Sifton      | Smith 71 |
| Spreng        | Swearingen | Swinger  | Talboy      | Taylor   |
| Walton Gray   | Webber     |          |             |          |

PRESENT: 000

ABSENT WITH LEAVE: 028

|                |           |            |         |          |
|----------------|-----------|------------|---------|----------|
| Anders         | Atkins    | Carter     | Casey   | Day      |
| Denison        | Dieckhaus | Diehl      | Elmer   | Franklin |
| Gatschenberger | Hough     | Jones 63   | Korman  | Lauer    |
| Leach          | Long      | May        | Meadows | Nasheed  |
| Riddle         | Schneider | Schoeller  | Still   | Webb     |
| Wells          | White     | Mr Speaker |         |          |

On motion of Representative Jones (117), **HCS SCS SB 625, as amended**, was adopted.

On motion of Representative Jones (117), **HCS SCS SB 625, as amended**, was read the third time and passed by the following vote:

AYES: 146

|            |             |              |               |              |
|------------|-------------|--------------|---------------|--------------|
| Allen      | Anders      | Asbury       | Atkins        | Aull         |
| Bahr       | Barnes      | Bernskoetter | Berry         | Black        |
| Brandom    | Brattin     | Brown 50     | Brown 85      | Brown 116    |
| Burlison   | Carlson     | Carter       | Casey         | Cauthorn     |
| Colona     | Conway 14   | Conway 27    | Cookson       | Cox          |
| Crawford   | Cross       | Curtman      | Davis         | Denison      |
| Diehl      | Ellinger    | Ellington    | Elmer         | Entlicher    |
| Fallert    | Fisher      | Fitzwater    | Flanigan      | Fraker       |
| Franz      | Frederick   | Fuhr         | Funderburk    | Gosen        |
| Grisamore  | Guernsey    | Haefner      | Hampton       | Higdon       |
| Hinson     | Hodges      | Holsman      | Hoskins       | Hough        |
| Houghton   | Hubbard     | Hughes       | Hummel        | Johnson      |
| Jones 63   | Jones 89    | Jones 117    | Kander        | Keeney       |
| Kelley 126 | Kelly 24    | Kirkton      | Klippenstein  | Koenig       |
| Korman     | Kratky      | Lair         | Lampe         | Lant         |
| Largent    | Lasater     | Leach        | Leara         | Lichtenegger |
| Long       | May         | McCaherty    | McCann Beatty | McCreery     |
| McDonald   | McGeoghegan | McGhee       | McManus       | McNary       |
| McNeil     | Meadows     | Molendorp    | Montecillo    | Morgan       |
| Nance      | Neth        | Newman       | Nichols       | Nolte        |
| Oxford     | Pace        | Parkinson    | Phillips      | Pierson      |
| Pollock    | Quinn       | Reiboldt     | Richardson    | Rizzo        |
| Rowland    | Ruzicka     | Sater        | Schad         | Scharnhorst  |
| Schatz     | Schieber    | Schieffer    | Schoeller     | Schupp       |
| Shively    | Shumake     | Sifton       | Silvey        | Smith 71     |
| Smith 150  | Solon       | Sommer       | Spreng        | Still        |
| Stream     | Swearingen  | Swinger      | Talboy        | Taylor       |
| Thomson    | Torpey      | Wallingford  | Walton Gray   | Webb         |
| Webber     | Weter       | Wieland      | Wyatt         | Zerr         |
| Mr Speaker |             |              |               |              |



NOES: 002

Harris Marshall

PRESENT: 000

ABSENT WITH LEAVE: 015

|                |           |           |         |          |
|----------------|-----------|-----------|---------|----------|
| Cierpiot       | Day       | Dieckhaus | Dugger  | Franklin |
| Gatschenberger | Lauer     | Loehner   | Nasheed | Redmon   |
| Riddle         | Schneider | Wells     | White   | Wright   |

Representative Pollock declared the bill passed.

**HCS SCS SB 648**, relating to transportation, was taken up by Representative Sommer.

Representative Conway (14) offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 648, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

"301.260. 1. The director of revenue shall issue certificates for all cars owned by the state of Missouri and shall assign to each of such cars two plates bearing the words: "State of Missouri, official car number ....." (with the number inserted thereon), which plates shall be displayed on such cars when they are being used on the highways. No officer or employee or other person shall use such a motor vehicle for other than official use.

2. Motor vehicles used as ambulances, patrol wagons and fire apparatus, owned by any municipality of this state, shall be exempt from all of the provisions of sections 301.010 to 301.440 while being operated within the limits of such municipality, but the municipality may regulate the speed and use of such motor vehicles owned by them; and all other motor vehicles owned by municipalities, counties and other political subdivisions of the state shall be exempt from the provisions of sections 301.010 to 301.440 requiring registration, proof of ownership and display of number plates; provided, however, that there shall be [displayed] **a plate or**, on each side of such motor vehicle, [in] letters not less than three inches in height with a stroke of not less than three-eighths of an inch wide, **to display** the name of such municipality, county or political subdivision, the department thereof, and a distinguishing number. Provided, further, that when any motor vehicle is owned and operated exclusively by any school district and used solely for transportation of school children, the commissioner shall assign to each of such motor vehicles two plates bearing the words "School Bus, State of Missouri, car no. ...." (with the number inserted thereon), which plates shall be displayed on such motor vehicles when they are being used on the highways. No officer, or employee of the municipality, county or subdivision, or any other person shall operate such a motor vehicle unless the same is marked as herein provided, and no officer, employee or other person shall use such a motor vehicle for other than official purposes.

3. For registration purposes only, a public school or college shall be considered the temporary owner of a vehicle acquired from a new motor vehicle franchised dealer which is to be used as a courtesy vehicle or a driver training vehicle. The school or college shall present to the director of revenue a copy of a lease agreement with an option to purchase clause between the authorized new motor vehicle franchised dealer and the school or college and a photocopy of the front of the dealer's vehicle manufacturer's statement of origin, and shall make application for and be granted a nonnegotiable certificate of ownership and be issued the appropriate license plates. Registration plates are not necessary on a driver training vehicle when the motor vehicle is plainly marked as a driver training vehicle while being used for such purpose and such vehicle can also be used in conjunction with the activities of the educational institution.

4. As used in this section, the term "political subdivision" is intended to include any township, road district, sewer district, school district, municipality, town or village, sheltered workshop, as defined in section 178.900, and any interstate compact agency which operates a public mass transportation system."; and

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

On motion of Representative Conway (14), **House Amendment No. 1** was adopted.

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 648, Page 1, Section A, Line 3, by inserting after all of said line the following:

**"227.506. The portion of U.S. Highway 160 in the City of Gainesville from the intersection of Highway 5 south of the intersection of County Road 300 in Ozark County shall be designated the "Matthew J. England Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donations.";** and

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

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 648, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

**"186.070. 1. The general assembly, giving due consideration to the experiences and continued interest of former and current members of various statewide advisory boards and commissions, as well as experience on gubernatorial-appointed boards of curators and regents of regional state colleges and universities, does hereby establish the "Missouri Advisory Boards and Commissions Association". This section enables current members and former members of Missouri's Advisory Boards and Commissions and board of curators and regents to join together in a formal organization. This association shall meet on at least an annual basis, determine association membership guidelines, develop a set of bylaws, and issue annual reports and other reports as requested by the general assembly and the executive branch.**

**2. The purpose of the Missouri Advisory Boards and Commissions Association is to provide a framework which enables former and current members of Missouri's Advisory Boards and Commissions to share observations and insights derived from their participation as advisory board and commission members and members of boards of curators and regents to study and discuss matters of statewide importance, as well as to report recommendations for further action as requested to the Missouri general assembly and the offices of the governor and lieutenant governor of the State of Missouri.**

**3. Membership in the Missouri Advisory Boards and Commissions Association is purely voluntary and members shall serve without compensation.";** and

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

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

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

House Amendment No. 4

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 648, Page 3, Section 302.130, Line 87, 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 supervision 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.”; and

Further amend said bill, Page 9, Section 304.154, Line 64, by inserting after all of said section and line the following:

**“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.

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

Representative Jones (117) offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 648, Page 1, Section A, Line 3, by inserting after all of said section and line, the following:

"302.060. 1. The director shall not issue any license and shall immediately deny any driving privilege:

(1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;

(2) To any person who is under the age of sixteen years, except as hereinafter provided;

(3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;

(4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

(5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;

(6) To any person who, when required by this law to take an examination, has failed to pass such examination;

(7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, until such judgment has been satisfied or the financial responsibility of such person, as defined in section 303.120, has been established;

(8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;

(9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction. If the court finds that the petitioner has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

(10) To any person who has been convicted twice within a five-year period of violating state law, or a county or municipal ordinance, of driving while intoxicated, or any other intoxication-related traffic offense as defined in subdivision (4) of subsection 1 of section 577.023, or who has been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition. The director shall not issue a license to such person for five years from the date such person was convicted or pled guilty for involuntary manslaughter while operating a motor vehicle in an intoxicated condition or for driving while intoxicated or any other intoxication-related traffic offense as defined in subdivision (4) of subsection 1 of section 577.023 for the second time;

(11) To any person who is otherwise disqualified pursuant to the provisions of sections 302.010 to 302.780, chapter 303, or section 544.046;

(12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of revenue stating that the director shall not issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or legal guardians are denying the driver's license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and correct. This provision shall not apply to any person who is legally emancipated. The parents or legal guardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license.

2. Any person whose license is reinstated under the provisions of subdivisions (9) and (10) of subsection 1 of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. **The ignition interlock device required for reinstatement under this subsection and for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309 shall have photo identification technology and global positioning system features.** The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. **If the monthly monitoring reports show that the ignition interlock device has registered**

**any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months.** If the person fails to maintain such proof with the director, the license shall be suspended for the remainder of the six-month period or until proof as required by this section is filed with the director. Upon the completion of the six-month period, the license shall be shown as reinstated, if the person is otherwise eligible.”; and

Further amend said bill, Page 5, Section 302.304, Line 37, by inserting after the period “.” on said line, the following:

**“If a person, otherwise subject to the provisions of this subsection, files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, then the period of suspension shall be fifteen days, followed by a seventy-five day period of restricted driving privilege. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated. Upon completion of such seventy-five-day period of restricted driving privilege, upon compliance with other requirements of law, and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such seventy-five day period indicate that the ignition interlock device has registered a blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional seventy-five day period of restricted driving privilege without any such violations.”; and**

Further amend said bill, page, and section, Line 39, by inserting after the comma “,” on said line, the following:

**“or, if applicable, if the person fails to maintain proof that any vehicle operated is equipped with a functioning, certified ignition interlock device installed pursuant to subsection 5 of this section,”; and**

Further amend said bill, Page 7, Section 302.304, Line 137, by inserting after the period “.” on said line, the following:

**“If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months.”; and**

Further amend said bill, page, and section, Line 139, by inserting after all of said section and line, the following:

"302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303.

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts, the director of revenue, or a commissioner operating under section 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges. Any application may be made in writing to the director of revenue and the person's reasons for requesting the limited driving privilege shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

- (a) A business, occupation, or employment;
- (b) Seeking medical treatment for such operator;
- (c) Attending school or other institution of higher education;
- (d) Attending alcohol or drug treatment programs;

(e) Seeking the required services of a certified ignition interlock device provider; or

(f) Any other circumstance the court or director finds would create an undue hardship on the operator; the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator's principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant's driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303 for that vehicle.

(4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of subdivision (8) of this subsection, **or a license revocation under paragraph (h) of subdivision (6) of this subsection**, until the applicant has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of limited driving privilege. **The ignition interlock device required for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of this subsection shall have photo identification technology and global positioning system features.**

(5) The court order or the director's grant of the limited or restricted driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension or revocation. **The court order or the director's grant of the limited or restricted driving privilege shall also indicate whether a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle with the limited driving privilege.** A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of installation of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

(6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a limited driving privilege who at the time of application for a limited driving privilege has previously been granted such a privilege within the immediately preceding five years, or whose license has been suspended or revoked for the following reasons:

(a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar provision of any federal or state law, or a municipal or county law where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, until the person has completed the first thirty days of a suspension or revocation imposed pursuant to this chapter;

(b) A conviction of any felony in the commission of which a motor vehicle was used;

(c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, or having left the scene of an accident as provided in section 577.060;

(e) Due to a revocation for the first time for failure to submit to a chemical test pursuant to section 577.041 or due to a refusal to submit to a chemical test in any other state, if such person has not completed the first ninety days of such revocation;



(f) Violation more than once of the provisions of section 577.041 or a similar implied consent law of any other state; [or]

(g) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited driving privilege; or

(h) Due to a revocation pursuant to subsection 2 of section 302.525 if such person has not completed **the first forty-five days** of such revocation, **provided the person is not otherwise ineligible for a limited driving privilege.**

(7) No person who possesses a commercial driver's license shall receive a limited driving privilege issued for the purpose of operating a commercial motor vehicle if such person's driving privilege is suspended, revoked, canceled, denied, or disqualified. Nothing in this section shall prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial motor vehicle provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege.

(8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least [three years] **forty-five days** of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding [three years] **forty-five days** and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state.

(b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least [two years] **forty-five days** of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding [two years] **forty-five days** and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision.

(9) A DWI docket or court established under section 478.007 may grant a limited driving privilege to a participant in or graduate of the program who would otherwise be ineligible for such privilege under another provision of law. The DWI docket or court shall not grant a limited driving privilege to a participant during his or her initial forty-five days of participation.

4. Any person who has received notice of denial of a request of limited driving privilege by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving privilege.

5. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

302.525. 1. The license suspension or revocation shall become effective fifteen days after the subject person has received the notice of suspension or revocation as provided in section 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.515. If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final order is issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

2. The period of license suspension or revocation under this section shall be as follows:

(1) If the person's driving record shows no prior alcohol-related enforcement contacts during the immediately preceding five years, the period of suspension shall be thirty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege as defined in section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be issued until he or she has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible. **The restricted driving privilege shall indicate whether a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle. A copy of the restricted driving privilege shall be given to the person and such person shall carry a copy of the restricted driving privilege while operating a motor vehicle.** In no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until the person has completed the first thirty days of a suspension under this section. **If a person, otherwise subject to the provisions of this subdivision files proof of installation with the department of revenue that any vehicle operated is equipped with a functioning, certified ignition interlock device, then the period of suspension shall be fifteen days, followed by a seventy-five day period of restricted driving privilege. Upon completion of such seventy-five day period of restricted driving privilege, upon compliance with other requirements of law, and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such seventy-five day period indicate that the ignition interlock device has registered a blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional seventy-five day period of restricted driving privilege without any such violations. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated;**

(2) The period of revocation shall be one year if the person's driving record shows one or more prior alcohol-related enforcement contacts during the immediately preceding five years;

(3) In no case shall restricted driving privileges be issued under this section to any person whose driving record shows one or more prior alcohol-related enforcement contacts until the person has completed the first thirty days of a suspension under this section and has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of the restricted driving privilege. If the person fails to maintain such proof the restricted driving privilege shall be terminated.

3. For purposes of this section, "alcohol-related enforcement contacts" shall include any suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving while intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle while having an unlawful alcohol concentration.

4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 or 577.012 or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section and any other suspension or revocation arising from such convictions shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation arising from such convictions, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods.

5. Any person who has had a license to operate a motor vehicle revoked under this section or suspended under this section with one or more prior alcohol-related enforcement contacts showing on their driver record shall be required to file proof with the director of revenue that any motor vehicle operated by that person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. **If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months.** If the person fails to maintain such proof with the director, the license shall be resuspended or revoked, as applicable."; and

Further amend said bill, Pages 13-14, Section 577.600, Lines 1-45, by deleting all of said section and lines from the bill; and

Further amend said bill, Pages 14-15, Section 577.606, Lines 1-21, by deleting all of said section and lines from the bill; and

Further amend said bill, Page 15, Section 577.606, Line 21, by inserting after all of said section and line, the following:

"Section B. The repeal and reenactment of sections 302.304, 302.309, and 302.525 shall become effective October 1, 2013."; and

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

On motion of Representative Jones (117), **House Amendment No. 5** was adopted.

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

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 648, Pages 7-9, Section 304.154, by deleting all of said section from the bill; and

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

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

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

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 648, Page 1, Section A, Line 3, by inserting after all of said section and line, the following:

**"301.4042. 1. Notwithstanding any other provision of law to the contrary, any person, after an annual payment of an emblem-use fee to the Pony Express Museum in St. Joseph, may receive specialty personalized license plates for any vehicle the member 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. The Pony Express Museum will provide a logo to be affixed on specialty license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the Pony Express Museum derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Pony Express Museum. Any person may annually apply for the use of the emblem.**

**2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Pony Express Museum, the museum shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual emblem-use authorization statement and payment of a twenty-five dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a specialty personalized license plate which shall bear the rider on horseback emblem, and the words "Pony Express" at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section.**

3. A vehicle owner who was previously issued a plate with the Pony Express Museum's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Pony Express Museum's emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

4. Prior to the issuance of a Pony Express specialty personalized plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates.

5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plate fees in accordance with this chapter shall be required.”; and

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

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

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

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 648, Page 1, Section A, Line 3, by after all of said section and line inserting the following:

**“227.509. The portion of highway 64/40 between mile markers 10.2 and 12.8 in St. Charles County shall be designated the "Darrell B. Roegner Memorial Highway." Costs for such designation shall be paid by private donations.**

301.3163. Any person may apply for [special] **specialty personalized** "Don't Tread on Me" motor vehicle license plates for any vehicle such 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. Such person shall make application for the [special] **specialty personalized** license plates on a form provided by the director of revenue. The director shall then issue **specialty personalized** license plates bearing letters or numbers or a combination thereof as determined by the [advisory committee established in section 301.129] **director**, with the words "DON'T TREAD ON ME" [in place of the words "SHOW-ME STATE"] **centered on the bottom one-fourth of the plate, in bold, all capital letters, and with lettering identical to the lettering used for the word "MISSOURI" on the regular state license plate. Such words shall be no smaller than forty-eight point type. Such plates shall be tiger yellow beginning at the top and bottom, with the color fading into white in the center. All numbers and letters shall be black. The left side shall contain a reproduction of the "Gadsden Snake" in black and white, with the snake to be three inches in height and two inches wide, and sitting on green grass that is two and one-quarter inches wide. Upon payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a specialty personalized plate. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section. 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.”; and**

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

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

Representative Meadows offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 648, Page 3, Section 302.130, Line 87, by inserting after all of said section and line the following:

“302.185. In the event that a license issued under sections 302.010 to 302.780 shall be lost or destroyed **or when a veteran seeks a veteran designation under section 302.188 prior to the expiration of a license**, but not where [the] a license has been suspended, taken up, revoked, disqualified, or deposited in lieu of bail, hereinafter provided, the person to whom the license as was issued may obtain a duplicate license upon furnishing proper identification and satisfactory proof to the director or his authorized license agents that the license has been lost or destroyed, and upon payment of a fee of fifteen dollars for a duplicate license if the person transports persons or property as classified in section 302.015, and a fee of seven dollars and fifty cents for all other duplicate classifications of license.

**302.188. 1. A person may apply to the department of revenue to obtain a veteran designation on a driver's license or identification card issued under this chapter by providing:**

**(1) A United States Department of Defense discharge document, otherwise known as a DD Form 214, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's service in the armed forces of the United States; and**

**(2) Payment of the fee for the driver's license or identification card authorized under this chapter.**

**2. If the person is seeking a duplicate driver's license with the veteran designation and his or her driver's license has not expired, the fee shall be as provided under section 302.185.**

**3. The department of revenue may determine the appropriate placement of the veteran designation on the driver's licenses and identification cards authorized under this section and may promulgate the necessary rules for administration of this section.**

**4. 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.”; and**

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

On motion of Representative Meadows, **House Amendment No. 9** was adopted.

Representative Schad 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    | Diehl          | Elmer     | Entlicher    |
| Fisher   | Fitzwater  | Flanigan       | Fraker    | Franz        |
| Fuhr     | Funderburk | Gatschenberger | Gosen     | Grisamore    |
| Guernsey | Haefner    | Hampton        | Higdon    | Hinson       |
| Hoskins  | Hough      | Houghton       | Johnson   | Jones 117    |
| Keeney   | Kelley 126 | Klippenstein   | Koenig    | Lair         |

## 2405 *Journal of the House*

|           |             |           |            |              |
|-----------|-------------|-----------|------------|--------------|
| Lant      | Largent     | Leach     | Leara      | Lichtenegger |
| Loehner   | Marshall    | McCaherty | McGhee     | McNary       |
| Nance     | Neth        | Nolte     | Parkinson  | Phillips     |
| Pollock   | Redmon      | Reiboldt  | Richardson | Rowland      |
| Schad     | Scharnhorst | Schatz    | Schieber   | Schneider    |
| Schoeller | Shumake     | Silvey    | Smith 150  | Solon        |
| Sommer    | Stream      | Thomson   | Torpey     | Wallingford  |
| Weter     | Wieland     | Wright    | Wyatt      | Zerr         |

NOES: 051

|          |            |             |             |               |
|----------|------------|-------------|-------------|---------------|
| Anders   | Atkins     | Aull        | Black       | Brown 50      |
| Carlson  | Carter     | Casey       | Colona      | Conway 27     |
| Ellinger | Ellington  | Fallert     | Harris      | Hodges        |
| Holsman  | Hummel     | Jones 63    | Kander      | Kelly 24      |
| Kirkton  | Kratky     | Lampe       | May         | McCann Beatty |
| McCreery | McDonald   | McGeoghegan | McManus     | McNeil        |
| Meadows  | Montecillo | Morgan      | Newman      | Nichols       |
| Pace     | Pierson    | Quinn       | Rizzo       | Schieffer     |
| Schupp   | Shively    | Smith 71    | Spreng      | Still         |
| Swinger  | Talboy     | Taylor      | Walton Gray | Webb          |
| Webber   |            |             |             |               |

PRESENT: 000

ABSENT WITH LEAVE: 022

|           |            |          |            |         |
|-----------|------------|----------|------------|---------|
| Dieckhaus | Dugger     | Franklin | Frederick  | Hubbard |
| Hughes    | Jones 89   | Korman   | Lasater    | Lauer   |
| Long      | Molendorp  | Nasheed  | Oxford     | Riddle  |
| Ruzicka   | Sater      | Sifton   | Swearingen | Wells   |
| White     | Mr Speaker |          |            |         |

On motion of Representative Sommer, **HCS SCS SB 648, as amended**, was adopted.

On motion of Representative Sommer, **HCS SCS SB 648, as amended**, was read the third time and passed by the following vote:

AYES: 130

|            |                |              |               |              |
|------------|----------------|--------------|---------------|--------------|
| Allen      | Anders         | Asbury       | Atkins        | Aull         |
| Bahr       | Barnes         | Bernskoetter | Berry         | Black        |
| Brandom    | Brattin        | Brown 50     | Brown 85      | Brown 116    |
| Burlison   | Carter         | Casey        | Cauthorn      | Cierpiot     |
| Conway 14  | Conway 27      | Cookson      | Cox           | Crawford     |
| Curtman    | Davis          | Day          | Denison       | Diehl        |
| Elmer      | Entlicher      | Fallert      | Fisher        | Fitzwater    |
| Flanigan   | Fraker         | Franz        | Frederick     | Fuhr         |
| Funderburk | Gatschenberger | Gosen        | Grisamore     | Guernsey     |
| Haefner    | Hampton        | Harris       | Higdon        | Hinson       |
| Hodges     | Holsman        | Hoskins      | Hough         | Houghton     |
| Hummel     | Johnson        | Jones 63     | Jones 89      | Jones 117    |
| Kander     | Keeney         | Kelley 126   | Kelly 24      | Klippenstein |
| Koenig     | Korman         | Kratky       | Lair          | Lampe        |
| Largent    | Leach          | Leara        | Lichtenegger  | Loehner      |
| Long       | May            | McCaherty    | McCann Beatty | McDonald     |

|             |            |             |            |         |
|-------------|------------|-------------|------------|---------|
| McGeoghegan | McGhee     | McManus     | McNary     | Meadows |
| Molendorp   | Nance      | Nasheed     | Neth       | Nichols |
| Nolte       | Parkinson  | Phillips    | Pierson    | Pollock |
| Quinn       | Redmon     | Reiboldt    | Richardson | Rizzo   |
| Rowland     | Ruzicka    | Sater       | Schad      | Schatz  |
| Schieber    | Schieffer  | Schneider   | Schoeller  | Shively |
| Shumake     | Silvey     | Solon       | Sommer     | Still   |
| Stream      | Swearingen | Swinger     | Talboy     | Taylor  |
| Thomson     | Torpey     | Wallingford | Webber     | Weter   |
| White       | Wieland    | Wright      | Wyatt      | Zerr    |

NOES: 017

|          |             |          |            |          |
|----------|-------------|----------|------------|----------|
| Carlson  | Colona      | Ellinger | Ellington  | Kirkton  |
| Marshall | McCreery    | McNeil   | Montecillo | Morgan   |
| Newman   | Oxford      | Pace     | Schupp     | Smith 71 |
| Spreng   | Walton Gray |          |            |          |

PRESENT: 000

ABSENT WITH LEAVE: 016

|             |           |           |          |         |
|-------------|-----------|-----------|----------|---------|
| Cross       | Dieckhaus | Dugger    | Franklin | Hubbard |
| Hughes      | Lant      | Lasater   | Lauer    | Riddle  |
| Scharnhorst | Sifton    | Smith 150 | Webb     | Wells   |
| Mr Speaker  |           |           |          |         |

Representative Pollock declared the bill passed.

Representative Funderburk assumed the Chair.

**HCS SB 701**, relating to road use, was taken up by Representative Wright.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 701, Page 2, Section 142.932, Line 29, by inserting after all of said line the following:

**"227.506. The portion of U.S. Highway 160 in the City of Gainesville from the intersection of Highway 5 south of the intersection of County Road 300 in Ozark County shall be designated the "Matthew J. England Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donations.";** and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 701, Pages 15-17, Section 304.154, by deleting all of said section from the bill; and

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

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Bill No. 701, Page 2, Section 142.932, Line 29, by inserting after all of said line the following:

**"227.508. The portion of Highway 21 in Iron County from the intersection of Highway 221 south to the intersection of Highway 72 shall be designated the "Staff Sergeant Norman J. Inman Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donations.";** and

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

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

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

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Bill No. 701, Page 14, Section 301.010, Line 283, by inserting after all of said section and line the following:

**"301.4038. Any person who has received a Navy Cross awarded under Section 6242 of Title 20 of the United States Code may apply for special motor vehicle license plates for any vehicle such 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. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the Navy Cross as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the advisory committee established in section 301.129, with the words "NAVY CROSS" in place of the words "SHOW-ME STATE". 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. Such plates shall also bear an image of the Navy Cross. There shall be an additional fee charged for each set of Navy Cross license plates issued under this section equal to the fee charged for personalized license plates. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. License plates issued under the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.";** and

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

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



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

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Bill No. 701, Pages 2-6, Section 260.392, by deleting said section and inserting in lieu thereof the following:

"260.392. 1. As used in sections 260.392 to 260.399, the following terms mean:

(1) "Cask", all the components and systems associated with the container in which spent fuel, high-level radioactive waste, highway route controlled quantity, or transuranic radioactive waste are stored;

(2) "High-level radioactive waste", the highly radioactive material resulting from the reprocessing of spent nuclear fuel including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations, and other highly radioactive material that the United States Nuclear Regulatory Commission has determined to be high-level radioactive waste requiring permanent isolation;

(3) "Highway route controlled quantity", as defined in 49 CFR Part 173.403, as amended, a quantity of radioactive material within a single package. Highway route controlled quantity shipments of thirty miles or less within the state are exempt from the provisions of this section;

(4) "Low-level radioactive waste", any radioactive waste not classified as high-level radioactive waste, transuranic radioactive waste, or spent nuclear fuel by the United States Nuclear Regulatory Commission, consistent with existing law. Shipment of all sealed sources meeting the definition of low-level radioactive waste, shipments of low-level radioactive waste that are within a radius of no more than fifty miles from the point of origin, and all naturally occurring radioactive material given written approval for landfill disposal by the Missouri department of natural resources under 10 CSR 80-3.010 are exempt from the provisions of this section. Any low-level radioactive waste that has a radioactive half-life equal to or less than one hundred twenty days is exempt from the provisions of this section;

(5) "Shipper", the generator, owner, or company contracting for transportation by truck or rail of the spent fuel, high-level radioactive waste, highway route controlled quantity shipments, transuranic radioactive waste, or low-level radioactive waste;

(6) "Spent nuclear fuel", fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing;

(7) "State-funded institutions of higher education", any campus of any university within the state of Missouri that receives state funding and has a nuclear research reactor;

(8) "Transuranic radioactive waste", defined in 40 CFR Part 191.02, as amended, as waste containing more than one hundred nanocuries of alpha-emitting transuranic isotopes with half-lives greater than twenty years, per gram of waste. For the purposes of this section, transuranic waste shall not include:

(a) High-level radioactive wastes;

(b) Any waste determined by the Environmental Protection Agency with the concurrence of the Environmental Protection Agency administrator that does not need the degree of isolation required by this section; or

(c) Any waste that the United States Nuclear Regulatory Commission has approved for disposal on a case-by-case basis in accordance with 10 CFR Part 61, as amended.

2. Any shipper that ships high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste through or within the state shall be subject to the fees established in this subsection, provided that no state-funded institution of higher education that ships nuclear waste shall pay any such fee. These higher education institutions shall reimburse the Missouri state highway patrol directly for all costs related to shipment escorts. The fees for all other shipments shall be:

(1) One thousand eight hundred dollars for each [cask transported] **truck transporting** through or within the state [by truck of] high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel or highway route controlled quantity shipments. All [casks] **truck shipments** of high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel, or highway route controlled quantity shipments [transported by truck] are subject to a surcharge of twenty-five dollars per mile for every mile over two hundred miles traveled within the state;

(2) One thousand three hundred dollars for the first cask and one hundred twenty-five dollars for each additional cask for each rail shipment through or within the state of high-level radioactive waste, transuranic radioactive waste, or spent nuclear fuel;

(3) One hundred twenty-five dollars for each truck or train transporting low-level radioactive waste through or within the state. The department of natural resources may accept an annual shipment fee as negotiated with a shipper or accept payment per shipment.

3. All revenue generated from the fees established in subsection 2 of this section shall be deposited into the environmental radiation monitoring fund established in section 260.750 and shall be used by the department of natural resources to achieve the following objectives and for purposes related to the shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste, including, but not limited to:

- (1) Inspections, escorts, and security for waste shipment and planning;
- (2) Coordination of emergency response capability;
- (3) Education and training of state, county, and local emergency responders;
- (4) Purchase and maintenance of necessary equipment and supplies for state, county, and local emergency responders through grants or other funding mechanisms;
- (5) Emergency responses to any transportation incident involving the high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste;
- (6) Oversight of any environmental remediation necessary resulting from an incident involving a shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste. Reimbursement for oversight of any such incident shall not reduce or eliminate the liability of any party responsible for the incident; such party may be liable for full reimbursement to the state or payment of any other costs associated with the cleanup of contamination related to a transportation incident;
- (7) Administrative costs attributable to the state agencies which are incurred through their involvement as it relates to the shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste through or within the state.

4. Nothing in this section shall preclude any other state agency from receiving reimbursement from the department of natural resources and the environmental radiation monitoring fund for services rendered that achieve the objectives and comply with the provisions of this section.

5. Any unencumbered balance in the environmental radiation monitoring fund that exceeds three hundred thousand dollars in any given fiscal year shall be returned to shippers on a pro rata basis, based on the shipper's contribution into the environmental radiation monitoring fund for that fiscal year.

6. The department of natural resources, in coordination with the department of health and senior services and the department of public safety, may promulgate rules necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

7. All funds deposited in the environmental radiation monitoring fund through fees established in subsection 2 of this section shall be utilized, subject to appropriation by the general assembly, for the administration and enforcement of this section by the department of natural resources. All interest earned by the moneys in the fund shall accrue to the fund.

8. All fees shall be paid to the department of natural resources prior to shipment.

9. Notice of any shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, or spent nuclear fuel through or within the state shall be provided by the shipper to the governor's designee for advanced notification, as described in 10 CFR Parts 71 and 73, as amended, prior to such shipment entering the state. Notice of any shipment of low-level radioactive waste through or within the state shall be provided by the shipper to the Missouri department of natural resources before such shipment enters the state.

10. Any shipper who fails to pay a fee assessed under this section, or fails to provide notice of a shipment, shall be liable in a civil action for an amount not to exceed ten times the amount assessed and not paid. The action shall be brought by the attorney general at the request of the department of natural resources. If the action involves a facility domiciled in the state, the action shall be brought in the circuit court of the county in which the facility is located. If the action does not involve a facility domiciled in the state, the action shall be brought in the circuit court of Cole County.

11. Beginning on December 31, 2009, and every two years thereafter, the department of natural resources shall prepare and submit a report on activities of the environmental radiation monitoring fund to the general assembly. This report shall include information on fee income received and expenditures made by the state to enforce and administer the provisions of this section.

12. The provisions of this section shall not apply to high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste shipped by or for the federal government for military or national defense purposes.

13. 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 August 28, 2009, unless reauthorized by an act of the general assembly; and

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

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

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

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

Representative Conway (14) offered **House Amendment No. 6.**

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Bill No. 701, Page 14, Section 301.010, Line 283, by inserting after all of said section and line the following:

"301.260. 1. The director of revenue shall issue certificates for all cars owned by the state of Missouri and shall assign to each of such cars two plates bearing the words: "State of Missouri, official car number ....." (with the number inserted thereon), which plates shall be displayed on such cars when they are being used on the highways. No officer or employee or other person shall use such a motor vehicle for other than official use.

2. Motor vehicles used as ambulances, patrol wagons and fire apparatus, owned by any municipality of this state, shall be exempt from all of the provisions of sections 301.010 to 301.440 while being operated within the limits of such municipality, but the municipality may regulate the speed and use of such motor vehicles owned by them; and all other motor vehicles owned by municipalities, counties and other political subdivisions of the state shall be exempt from the provisions of sections 301.010 to 301.440 requiring registration, proof of ownership and display of number plates; provided, however, that there shall be [displayed] **a plate or**, on each side of such motor vehicle, [in] letters not less than three inches in height with a stroke of not less than three-eighths of an inch wide, **to display** the name of such municipality, county or political subdivision, the department thereof, and a distinguishing number. Provided, further, that when any motor vehicle is owned and operated exclusively by any school district and used solely for transportation of school children, the commissioner shall assign to each of such motor vehicles two plates bearing the words "School Bus, State of Missouri, car no. ...." (with the number inserted thereon), which plates shall be displayed on such motor vehicles when they are being used on the highways. No officer, or employee of the municipality, county or subdivision, or any other person shall operate such a motor vehicle unless the same is marked as herein provided, and no officer, employee or other person shall use such a motor vehicle for other than official purposes.

3. For registration purposes only, a public school or college shall be considered the temporary owner of a vehicle acquired from a new motor vehicle franchised dealer which is to be used as a courtesy vehicle or a driver training vehicle. The school or college shall present to the director of revenue a copy of a lease agreement with an option to purchase clause between the authorized new motor vehicle franchised dealer and the school or college and a photocopy of the front of the dealer's vehicle manufacturer's statement of origin, and shall make application for and be granted a nonnegotiable certificate of ownership and be issued the appropriate license plates. Registration plates are not necessary on a driver training vehicle when the motor vehicle is plainly marked as a driver training vehicle while being used for such purpose and such vehicle can also be used in conjunction with the activities of the educational institution.

4. As used in this section, the term "political subdivision" is intended to include any township, road district, sewer district, school district, municipality, town or village, sheltered workshop, as defined in section 178.900, and any interstate compact agency which operates a public mass transportation system."; and

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

On motion of Representative Conway (14), **House Amendment No. 6** was adopted.

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

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Bill No. 701, Page 14, Section 301.010, Line 283, by inserting after all of said section and line, the following:

**“301.4040. 1. Notwithstanding any other provision of law to the contrary, any person after an annual payment of an emblem-use fee to the American Red Cross Trust Fund, may receive specialty personalized license plates for any vehicle the member 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. The Missouri Chapter of the American Red Cross hereby authorizes the use of its official emblem to be affixed on specialty license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the American Red Cross derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the American Red Cross. Any person may annually apply for the use of the emblem.**

**2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the American Red Cross Trust Fund, the Missouri Chapter of the American Red Cross shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual emblem-use authorization statement and payment of a twenty-five dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a specialty personalized license plate which shall bear the emblem of the Missouri Chapter of the American Red Cross, and the words "PROUD SUPPORTER" at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section.**

**3. A vehicle owner who was previously issued a plate with the Missouri Chapter of the American Red Cross' emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Chapter of the American Red Cross' emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.**

**4. Prior to the issuance of a Missouri Chapter of the American Red Cross specialty personalized plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates.**

**5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plate fees in accordance with this chapter shall be required.”; and**

Further amend said bill, Page 17, Section 304.154, Line 64, by inserting after all of said section and line, the following:

**“Section 1. 1. The department of transportation shall designate a sign at 1078 South Jefferson Street in Lebanon recognizing the “Independent Stave Company” as a centennial business.**

**2. Costs associated with the erection and maintenance of such recognition shall be paid by private donations.**

**Section 2. 1. The department of transportation shall designate a sign at 111 West Broadway in Bolivar recognizing “Douglas, Haun, and Heidemann, P.C.” as a centennial business.**

**2. Costs associated with the erection and maintenance of such recognition shall be paid by private donations.”; and**

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

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

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

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Bill No. 701, Page 2, Section 142.932, Line 29, by inserting after all of said line the following:

“260.247. 1. Any city or political subdivision which annexes an area or enters into or expands solid waste collection services into an area where the collection of solid waste is presently being provided by one or more private entities, for commercial or residential services, shall notify the private entity or entities of its intent to provide solid waste collection services in the area by certified mail.

2. A city or political subdivision shall not commence solid waste collection in such area for at least two years from the effective date of the annexation or at least two years from the effective date of the notice that the city or political subdivision intends to enter into the business of solid waste collection or to expand existing solid waste collection services into the area, unless the city or political subdivision contracts with the private entity or entities to continue such services for that period. If for any reason the city or political subdivision does not exercise its option to provide for or contract for the provision of services within an affected area within three years from the effective date of the notice, then the city or political subdivision shall renotify under subsection 1 of this section.

3. If the services to be provided under a contract with the city or political subdivision pursuant to subsection 2 of this section are substantially the same as the services rendered in the area prior to the decision of the city to annex the area or to enter into or expand its solid waste collection services into the area, the amount paid by the city shall be at least equal to the amount the private entity or entities would have received for providing such services during that period.

4. Any private entity or entities which provide collection service in the area which the city or political subdivision has decided to annex or enter into or expand its solid waste collection services into shall make available upon written request by the city not later than thirty days following such request all information in its possession or control which pertains to its activity in the area necessary for the city to determine the nature and scope of the potential contract.

**5. If a home rule city with more than fifty-two thousand but fewer than sixty-four thousand inhabitants located in a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants intends to expand solid waste collection services into an area where the collection of solid waste is presently being provided by one or more private entities such intent shall be put to a vote of the people in the area where the city or political subdivision intends to expand.**

**6. The provisions of this section shall apply to private entities that service fifty or more residential accounts or any commercial accounts in the area in question.”; and**

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

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 092

|              |            |              |                |             |
|--------------|------------|--------------|----------------|-------------|
| Allen        | Bahr       | Barnes       | Bernskoetter   | Berry       |
| Brandom      | Brattin    | Brown 85     | Brown 116      | Burlison    |
| Cauthorn     | Cierpiot   | Conway 14    | Cookson        | Cox         |
| Crawford     | Cross      | Davis        | Day            | Denison     |
| Elmer        | Entlicher  | Fisher       | Fitzwater      | Flanigan    |
| Franz        | Frederick  | Funderburk   | Gatschenberger | Gosen       |
| Guernsey     | Haefner    | Hampton      | Higdon         | Hinson      |
| Hoskins      | Hough      | Houghton     | Johnson        | Jones 89    |
| Jones 117    | Keeney     | Klippenstein | Koenig         | Korman      |
| Lair         | Lant       | Largent      | Leach          | Leara       |
| Lichtenegger | Loehner    | Long         | Marshall       | McCaherty   |
| McGhee       | McNary     | Molendorp    | Nance          | Neth        |
| Nolte        | Parkinson  | Phillips     | Pollock        | Redmon      |
| Reiboldt     | Richardson | Riddle       | Rowland        | Ruzicka     |
| Sater        | Schad      | Scharnhorst  | Schatz         | Schneider   |
| Schoeller    | Shumake    | Silvey       | Smith 150      | Solon       |
| Sommer       | Stream     | Thomson      | Torpey         | Wallingford |
| Wells        | Weter      | Wieland      | Wright         | Wyatt       |
| Zerr         | Mr Speaker |              |                |             |

NOES: 054

|            |             |             |           |               |
|------------|-------------|-------------|-----------|---------------|
| Anders     | Atkins      | Aull        | Black     | Brown 50      |
| Carlson    | Carter      | Casey       | Conway 27 | Ellinger      |
| Ellington  | Fallert     | Harris      | Hodges    | Holsman       |
| Hubbard    | Hughes      | Hummel      | Jones 63  | Kander        |
| Kirkton    | Kratky      | Lampe       | May       | McCann Beatty |
| McCreery   | McDonald    | McGeoghegan | McManus   | McNeil        |
| Montecillo | Morgan      | Nasheed     | 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: 017

|            |          |          |           |           |
|------------|----------|----------|-----------|-----------|
| Asbury     | Colona   | Curtman  | Dieckhaus | Diehl     |
| Dugger     | Fraker   | Franklin | Fuhr      | Grisamore |
| Kelley 126 | Kelly 24 | Lasater  | Lauer     | Meadows   |
| Schieber   | White    |          |           |           |

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

Representative Shumake offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Bill No. 701, Page 14, Section 301.010, Line 283, by inserting after all of said line and section and line the following:

“302.185. In the event that a license issued under sections 302.010 to 302.780 shall be lost or destroyed **or when a veteran seeks a veteran designation under section 302.188 prior to the expiration of a license**, but not where [the] a license has been suspended, taken up, revoked, disqualified, or deposited in lieu of bail, hereinafter provided, the person to whom the license as was issued may obtain a duplicate license upon furnishing proper identification and satisfactory proof to the director or his authorized license agents that the license has been lost or destroyed, and upon payment of a fee of fifteen dollars for a duplicate license if the person transports persons or property as classified in section 302.015, and a fee of seven dollars and fifty cents for all other duplicate classifications of license.

**302.188. 1. A person may apply to the department of revenue to obtain a veteran designation on a driver's license or identification card issued under this chapter by providing:**

**(1) A United States Department of Defense discharge document, otherwise known as a DD Form 214, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's service in the armed forces of the United States; and**

**(2) Payment of the fee for the driver's license or identification card authorized under this chapter.**

**2. If the person is seeking a duplicate driver's license with the veteran designation and his or her driver's license has not expired, the fee shall be as provided under section 302.185.**

**3. The department of revenue may determine the appropriate placement of the veteran designation on the driver's licenses and identification cards authorized under this section and may promulgate the necessary rules for administration of this section.**

**4. 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.”; and**

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

On motion of Representative Shumake, **House Amendment No. 9** was adopted.

Representative Johnson offered **House Amendment No. 10.**

*House Amendment No. 10*

AMEND House Committee Substitute for Senate Bill No. 701, Page 14, Section 301.010, Line 283, by inserting immediately after said line the following:

**“301.4042. 1. Notwithstanding any other provision of law to the contrary, any person, after an annual payment of an emblem-use fee to the Pony Express Museum in St. Joseph, may receive specialty personalized license plates for any vehicle the member 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. The Pony Express Museum will provide a logo to be affixed on specialty license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the Pony Express Museum derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Pony Express Museum. Any person may annually apply for the use of the emblem.**

**2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Pony Express Museum, the museum shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual emblem-use authorization statement and payment of a twenty-five dollar fee in addition to the regular registration fees, and presentation of any documents which may be required**

by law, the director of revenue shall issue to the vehicle owner a specialty personalized license plate which shall bear the rider on horseback emblem, and the words "Pony Express" at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section.

3. A vehicle owner who was previously issued a plate with the Pony Express Museum's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Pony Express Museum's emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

4. Prior to the issuance of a Pony Express specialty personalized plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates.

5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plate fees in accordance with this chapter shall be required.”; and

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

On motion of Representative Johnson, **House Amendment No. 10** was adopted.

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 087

|           |             |                |           |              |
|-----------|-------------|----------------|-----------|--------------|
| Allen     | Bahr        | Bernskoetter   | Berry     | Brandom      |
| Brattin   | Brown 85    | Brown 116      | Burlison  | Cauthorn     |
| Cierpiot  | Conway 14   | Cookson        | Cox       | Crawford     |
| Cross     | Davis       | Day            | Dugger    | Elmer        |
| Entlicher | Fisher      | Fitzwater      | Flanigan  | Fraker       |
| Franz     | Funderburk  | Gatschenberger | Gosen     | Grisamore    |
| Guernsey  | Haefner     | Hampton        | Higdon    | Hoskins      |
| Hough     | Houghton    | Johnson        | Jones 89  | Jones 117    |
| Keeney    | Kelley 126  | Klippenstein   | Koenig    | Korman       |
| Lair      | Lant        | Leach          | Leara     | Lichtenegger |
| Loehner   | Marshall    | McCaherty      | McNary    | Molendorp    |
| Nance     | Neth        | Nolte          | Parkinson | Phillips     |
| Pollock   | Redmon      | Reiboldt       | Riddle    | Rowland      |
| Ruzicka   | Scharnhorst | Schatz         | Schieber  | Schneider    |
| Schoeller | Shumake     | Silvey         | Smith 150 | Solon        |



|        |        |         |         |             |
|--------|--------|---------|---------|-------------|
| Sommer | Stream | Thomson | Torpey  | Wallingford |
| Wells  | Weter  | White   | Wieland | Wright      |
| Wyatt  | Zerr   |         |         |             |

NOES: 047

|           |               |          |           |             |
|-----------|---------------|----------|-----------|-------------|
| Anders    | Atkins        | Aull     | Black     | Brown 50    |
| Carlson   | Carter        | Casey    | Conway 27 | Ellington   |
| Fallert   | Harris        | Hodges   | Hubbard   | Hummel      |
| Kander    | Kelly 24      | Kirkton  | Kratky    | Lampe       |
| May       | McCann Beatty | McCreery | McDonald  | McGeoghegan |
| McNeil    | Montecillo    | Morgan   | Nasheed   | Newman      |
| Nichols   | Oxford        | Pierson  | Quinn     | Rizzo       |
| Schieffer | Schupp        | Shively  | Sifton    | Smith 71    |
| Still     | Swearingen    | Swinger  | Talboy    | Taylor      |
| Webb      | Webber        |          |           |             |

PRESENT: 000

ABSENT WITH LEAVE: 029

|           |         |             |            |           |
|-----------|---------|-------------|------------|-----------|
| Asbury    | Barnes  | Colona      | Curtman    | Denison   |
| Dieckhaus | Diehl   | Ellinger    | Franklin   | Frederick |
| Fuhr      | Hinson  | Holsman     | Hughes     | Jones 63  |
| Largent   | Lasater | Lauer       | Long       | McGhee    |
| McManus   | Meadows | Pace        | Richardson | Sater     |
| Schad     | Spreng  | Walton Gray | Mr Speaker |           |

On motion of Representative Wright, **HCS SB 701, as amended**, was adopted.

On motion of Representative Wright, **HCS SB 701, as amended**, was read the third time and passed by the following vote:

AYES: 107

|              |              |                |           |            |
|--------------|--------------|----------------|-----------|------------|
| Allen        | Atkins       | Aull           | Bahr      | Barnes     |
| Bernskoetter | Berry        | Black          | Brandom   | Brattin    |
| Brown 50     | Brown 85     | Brown 116      | Burlison  | Casey      |
| Cauthorn     | Cierpiot     | Conway 14      | Conway 27 | Cookson    |
| Cox          | Crawford     | Cross          | Curtman   | Davis      |
| Day          | Dugger       | Elmer          | Entlicher | Fallert    |
| Fisher       | Fitzwater    | Flanigan       | Fraker    | Franz      |
| Frederick    | Funderburk   | Gatschenberger | Gosen     | Grisamore  |
| Guernsey     | Haefner      | Hampton        | Harris    | Higdon     |
| Hinson       | Hodges       | Hough          | Houghton  | Johnson    |
| Jones 89     | Jones 117    | Kander         | Keeney    | Kelley 126 |
| Kelly 24     | Klippenstein | Koenig         | Korman    | Kratky     |
| Lair         | Lampe        | Lant           | Largent   | Leach      |
| Leara        | Lichtenegger | Loehner        | Marshall  | McCaherty  |
| McDonald     | McGhee       | McNary         | Molendorp | Nance      |
| Neth         | Nolte        | Parkinson      | Phillips  | Pollock    |
| Quinn        | Redmon       | Reiboldt       | Riddle    | Rowland    |
| Ruzicka      | Schad        | Schatz         | Schieffer | Schneider  |
| Schoeller    | Shively      | Shumake        | Silvey    | Solon      |

## 2417 *Journal of the House*

|        |        |         |             |        |
|--------|--------|---------|-------------|--------|
| Sommer | Stream | Swinger | Wallingford | Webber |
| Wells  | Weter  | White   | Wieland     | Wright |
| Wyatt  | Zerr   |         |             |        |

NOES: 035

|               |          |             |             |            |
|---------------|----------|-------------|-------------|------------|
| Anders        | Carlson  | Carter      | Ellington   | Hoskins    |
| Hubbard       | Hummel   | Jones 63    | Kirkton     | May        |
| McCann Beatty | McCreery | McGeoghegan | McManus     | McNeil     |
| Montecillo    | Morgan   | Newman      | Nichols     | Oxford     |
| Pace          | Pierson  | Rizzo       | Schieber    | Schupp     |
| Sifton        | Smith 71 | Spreng      | Still       | Swearingen |
| Talboy        | Taylor   | Torpey      | Walton Gray | Webb       |

PRESENT: 000

ABSENT WITH LEAVE: 021

|            |          |             |           |         |
|------------|----------|-------------|-----------|---------|
| Asbury     | Colona   | Denison     | Dieckhaus | Diehl   |
| Ellinger   | Franklin | Fuhr        | Holsman   | Hughes  |
| Lasater    | Lauer    | Long        | Meadows   | Nasheed |
| Richardson | Sater    | Scharnhorst | Smith 150 | Thomson |
| Mr Speaker |          |             |           |         |

Representative Funderburk declared the bill passed.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SS SCS SB 469, as amended**, and has taken up and passed **HCS SS SCS SB 469, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS#2 SCS SB 480, as amended**: Senators Stouffer, Kehoe, Engler, McKenna and Wright-Jones.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SCS SB 673, as amended**: Senators Brown, Richard, Wasson, McKenna and Wright-Jones.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SS SCS SB 682, as amended**, and has taken up and passed **HCS SS SCS SB 682, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SCS SB 726, as amended**: Senators Parson, Kehoe, Engler, Callahan and McKenna.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SS SB 749, as amended**: Senators Lamping, Dempsey, Richard, Justus and Curls.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS SB 769, as amended**, and requests the House to recede from its position and, failing to do so, grants the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SS SB 854, as amended**: Senators Mayer, Goodman, Crowell, Keaveny and Curls.

### **BILL CARRYING REQUEST MESSAGE**

**HCS SS SB 769, as amended**, relating to state and local standards, was taken up by Representative Cierpiot.

Representative Cierpiot moved that the House refuse to recede from its position on **HCS SS SB 769, as amended**, and grant the Senate a conference.

Which motion was adopted.

### **HOUSE BILLS WITH SENATE AMENDMENTS**

**SCS HCS HB 1072**, relating to the Volunteer Health Service Act, was taken up by Representative Sater.

Representative Sater moved that the House refuse to adopt **SCS HCS HB 1072** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

**SS#2 SCS HB 1170, as amended**, relating to special property tax assessments, was taken up by Representative Franz.

Representative Franz moved that the House refuse to adopt **SS#2 SCS HB 1170, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

### THIRD READING OF SENATE BILL

**HCS#2 SCS SB 729**, relating to political subdivisions, was taken up by Representative Kelly (24).

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

#### *House Amendment No. 1*

AMEND House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 729, Page 69, Section 321.228, Line 26, by inserting after the word "**construction**" the following:

**". Nothing in this subdivision shall be construed to require the political subdivision supplying water to incur any costs to modify its water supply infrastructure"; and**

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

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

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

#### *House Amendment No. 2*

AMEND House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 729, Page 68, Section 162.485, Lines 1 to 11, by deleting said section from the bill; and

Further amend said bill, Page 81, Section 1, Lines 1 to 14, by deleting said section from the bill; and

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

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

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

#### *House Amendment No. 3*

AMEND House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 729, Page 7, Section 52.240, Line 27, by inserting after all of said line the following:

"57.280. 1. Sheriffs shall receive a charge for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars; however, no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be received by the sheriff who is requested to perform the service. Except as otherwise provided by law, all charges made pursuant to this section shall be collected by the court clerk as court costs and are payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of said charge. A sheriff may refuse to perform any service in any action or proceeding, other than when court costs are waived

as provided by law, until the charge provided by this section is paid. Failure to receive the charge shall not affect the validity of the service.

2. The sheriff shall receive for receiving and paying moneys on execution or other process, where lands or goods have been levied and advertised and sold, five percent on five hundred dollars and four percent on all sums above five hundred dollars, and half of these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney. The party at whose application any writ, execution, subpoena or other process has issued from the court shall pay the sheriff's costs for the removal, transportation, storage, safekeeping and support of any property to be seized pursuant to legal process before such seizure. The sheriff shall be allowed for each mile, going and returning from the courthouse of the county in which he resides to the place where the court is held, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The provisions of this subsection shall not apply to garnishment proceeds.

3. The sheriff upon the receipt of the charge herein provided for shall pay into the treasury of the county any and all charges received pursuant to the provisions of this section[; however, in any county, any funds, not to exceed fifty thousand dollars in any calendar year, other than as a result of regular budget allocations or land sale proceeds, coming into the possession of the sheriff's office, such as from the sale of recovered evidence]. **The funds collected pursuant to this section, not to exceed fifty thousand dollars in any calendar year**, shall be held in a fund established by the county treasurer, which may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties. Any such funds in excess of fifty thousand dollars[, other than regular budget allocations or land sale proceeds,] **in any calendar year** shall be placed to the credit of the general revenue fund of the county. Moneys in the fund shall be used only for the procurement of services and equipment to support the operation of the sheriff's office. Moneys in the fund established pursuant to this subsection shall not lapse to the county general revenue fund at the end of any county budget or fiscal year.

4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the sheriff shall receive ten dollars for service of any summons, writ, subpoena, or other order of the court included under subsection 1 of this section, in addition to the charge for such service that each sheriff receives under subsection 1 of this section. The money received by the sheriff under this subsection shall be paid into the county treasury and the county treasurer shall make such money payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation fund created under section 57.278.”; and

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

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

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

*House Amendment No. 4*

AMEND House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 729, Page 77, Section 557.011, Line 42, by inserting after all of said section and line, the following:

"610.020. 1. All public governmental bodies shall give notice of the time, date, and place of each meeting, and its tentative agenda, in a manner reasonably calculated to advise the public of the matters to be considered, and if the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If a public body plans to meet by Internet chat, Internet message board, or other computer link, it shall post a notice of the meeting on its website in addition to its principal office and shall notify the public how to access that meeting. Reasonable notice shall include making available copies of the notice to any **member of the public or** representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.

2. Notice conforming with all of the requirements of subsection 1 of this section shall be given at least [twenty-four] **forty-eight hours, or twenty-four hours for the general assembly and any committee thereof**, exclusive

of weekends and holidays when the facility is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.

3. A public body shall allow for the recording by audiotape, videotape, or other electronic means of any open meeting. A public body may establish guidelines regarding the manner in which such recording is conducted so as to minimize disruption to the meeting. No audio recording of any meeting, record, or vote closed pursuant to the provisions of section 610.021 shall be permitted without permission of the public body; any person who violates this provision shall be guilty of a class C misdemeanor.

4. When it is necessary **for such governmental bodies** to hold a meeting on less than [twenty-four] **forty-eight** hours' notice, **or twenty-four hours' notice for the general assembly and any committee thereof**, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

5. A formally constituted subunit of a parent governmental body may conduct a meeting without notice as required by this section during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

6. If another provision of law requires a manner of giving specific notice of a meeting, hearing or an intent to take action by a governmental body, compliance with that section shall constitute compliance with the notice requirements of this section.

7. A journal or minutes of open and closed meetings shall be taken and retained by the public governmental body, including, but not limited to, a record of any votes taken at such meeting. The minutes shall include, **but not be limited to**, the date, time, place, members present, members absent, and a record of any votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote or abstinence if not voting to the name of the individual member of the public governmental body. **Minutes shall reflect a summary of the discussions occurring during any closed meeting, but nothing in this subsection shall require the disclosure of records or votes that are properly closed under section 610.021.**"; and

Further amend said bill, Pages 77-80, Section 610.021, Lines 1-114, by deleting all of said section and lines and inserting in lieu thereof, 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] **publicly disclosed in an open meeting** 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] **publicly disclosed in an open meeting** immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record. **When public disclosure in an open meeting is prescribed, such disclosure shall be done orally or in writing, or both, and shall occur at the next scheduled open meeting of the public body, or at the resumption of a recessed or subsequent open meeting, whatever is applicable soonest to the time lines for disclosure as prescribed in this section;**

(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.

610.022. 1. Except as set forth in subsection 2 of this section, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the public governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific section of this chapter shall be announced publicly at an open meeting of the governmental body and entered into the minutes.

2. A public governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to the specific exception allowed pursuant to the provisions of section 610.021. Such notice shall comply with the procedures set forth in section 610.020 for notice of a public meeting.

3. Any meeting or vote closed pursuant to section 610.021 shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote. **Only members of a public governmental body, their attorney and staff assistants, and any other person necessary to provide information needed by or requested by the public governmental body in regard to the matter being discussed shall be permitted in a closed meeting.** Public governmental bodies holding a closed meeting shall close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.

4. Nothing in sections 610.010 to 610.028 shall be construed as to require a public governmental body to hold a closed meeting, record or vote to discuss or act upon any matter.

5. Public records shall be presumed to be open unless otherwise exempt pursuant to the provisions of this chapter.

6. In the event any member of a public governmental body makes a motion to close a meeting, or a record, or a vote from the public and any other member believes that such motion, if passed, would cause a meeting, record or vote to be closed from the public in violation of any provision in this chapter, such latter member shall state his or her objection to the motion at or before the time the vote is taken on the motion. The public governmental body shall enter in the minutes of the public governmental body any objection made pursuant to this subsection. Any member making such an objection shall be allowed to fully participate in any meeting, record or vote that is closed from the public over the member's objection. In the event the objecting member also voted in opposition to the motion to close the meeting, record or vote at issue, the objection and vote of the member as entered in the minutes shall be an absolute defense to any claim filed against the objecting member pursuant to section 610.027.



610.023. 1. Each public governmental body is to appoint a custodian who is to be responsible for the maintenance of that body's records. The identity and location of a public governmental body's custodian is to be made available upon request. **Each custodian of a public governmental body is encouraged to create and maintain an index of all public records maintained by its public governmental body.**

2. Each public governmental body shall make available for inspection and copying by the public of that body's public records. No person shall remove original public records from the office of a public governmental body or its custodian without written permission of the designated custodian. No public governmental body shall, after August 28, 1998, grant to any person or entity, whether by contract, license or otherwise, the exclusive right to access and disseminate any public record unless the granting of such right is necessary to facilitate coordination with, or uniformity among, industry regulators having similar authority.

3. Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request is received by the custodian of records of a public governmental body. If records are requested in a certain format, the public body shall provide the records in the requested format, if such format is available. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three days for reasonable cause.

4. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third business day following the date that the request for the statement is received.

610.027. 1. The remedies provided by this section against public governmental bodies shall be in addition to those provided by any other provision of law. Any aggrieved person, taxpayer to, or citizen of, this state, or the attorney general or prosecuting attorney, may seek judicial enforcement of the requirements of sections 610.010 to 610.026. Suits to enforce sections 610.010 to 610.026 shall be brought in the circuit court for the county in which the public governmental body has its principal place of business. Upon service of a summons, petition, complaint, counterclaim, or cross-claim in a civil action brought to enforce the provisions of sections 610.010 to 610.026, the custodian of the public record that is the subject matter of such civil action shall not transfer custody, alter, destroy, or otherwise dispose of the public record sought to be inspected and examined, notwithstanding the applicability of an exemption pursuant to section 610.021 or the assertion that the requested record is not a public record until the court directs otherwise.

2. [Once a party seeking judicial enforcement of sections 610.010 to 610.026 demonstrates to the court that the body in question is subject to the requirements of sections 610.010 to 610.026 and has held a closed meeting, record or vote, the burden of persuasion shall be on the body and its members to demonstrate compliance with the requirements of sections 610.010 to 610.026.] **In any legal proceeding, there shall be a presumption that a meeting, record, or vote is open to the public. The burden shall be on a public governmental body or a member of a public governmental body to prove that such meeting, record, or vote may be closed to the public.**

3. Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has knowingly violated sections 610.010 to 610.026, the public governmental body or the member shall be subject to a civil penalty in an amount up to one thousand dollars. If the court finds that there is a knowing violation of sections 610.010 to 610.026, the court may order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing a violation. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the public governmental body or member of a public governmental body has violated sections 610.010 to 610.026 previously.

4. Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has purposely violated sections 610.010 to 610.026, the public governmental body or the member shall be subject to a civil penalty in an amount up to five thousand dollars. If the court finds that there was a purposeful violation of sections 610.010 to 610.026, then the court shall order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing such a violation. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the public governmental body or member of a public governmental body has violated sections 610.010 to 610.026 previously.

5. Upon a finding by a preponderance of the evidence that a public governmental body has violated any provision of sections 610.010 to 610.026, a court shall void any action taken in violation of sections 610.010 to 610.026, if the court finds under the facts of the particular case that the public interest in the enforcement of the policy of sections 610.010 to 610.026 outweighs the public interest in sustaining the validity of the action taken in the [closed] meeting, record or vote. Suit for enforcement shall be brought within one year from which the violation is ascertainable and in no event shall it be brought later than two years after the violation. This subsection shall not apply to an action taken

regarding the issuance of bonds or other evidence of indebtedness of a public governmental body if a public hearing, election or public sale has been held regarding the bonds or evidence of indebtedness.

6. A public governmental body which is in doubt about the legality of closing a particular meeting, record or vote may bring suit at the expense of that public governmental body in the circuit court of the county of the public governmental body's principal place of business to ascertain the propriety of any such action, or seek a formal opinion of the attorney general or an attorney for the governmental body."; and

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

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

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

*House Amendment No. 5*

AMEND House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 729, Page 10, Section 67.548, Line 37, by inserting after said line the following:

“67.1018. 1. The governing body of any county of the third classification without a township form of government and with more than [five thousand nine hundred but fewer than six thousand inhabitants] **six thousand but fewer than seven thousand inhabitants and with a city of the fourth classification with more than eight hundred but fewer than nine hundred inhabitants as the county seat** may impose a tax on the charges for all sleeping rooms, **RV sites, and campsites** paid by the transient guests of hotels [or], motels, **lodges, bed and breakfasts, cabins, RV parks, and campgrounds** situated in the county or a portion thereof, which shall not be **less than two percent nor** more than five percent per occupied room, **RV site, and campsite** per night, except that such tax shall not become effective unless the governing body of the county submits to the voters of the county at a state general or primary election a proposal to authorize the governing body of the county to impose a tax under this section. The tax authorized in this section shall be in addition to the charge for the sleeping room, **RV site, or campsite** and all other taxes imposed by law, and [fifty percent of] the proceeds of such tax shall be used [by the county to fund law enforcement with the remaining fifty percent of such proceeds to be used] to fund the promotion, **operation, and development** of tourism. Such tax shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall ..... (insert the name of the county) impose a tax on the charges for all sleeping rooms, **RV sites, and campsites** paid by the transient guests of hotels [and], motels, **lodges, bed and breakfasts, cabins, RV parks, and campgrounds** situated in ..... (name of county) at a rate of ..... (insert rate of percent) percent for the [benefit of the county] **promotion, operation, and development of tourism?**

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the county and such question is approved by a majority of the qualified voters of the county voting on the question.”; and

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

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

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

House Amendment No. 6

AMEND House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 729, Page 16, Section 67.1305, Line 201, by inserting after all of said section and line the following:

"67.1421. 1. Upon receipt of a proper petition filed with its municipal clerk, the governing body of the municipality in which the proposed district is located shall hold a public hearing in accordance with section 67.1431 and may adopt an ordinance to establish the proposed district.

2. A petition is proper if, based on the tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county, as of the time of filing the petition with the municipal clerk, it meets the following requirements:

(1) It has been signed by property owners collectively owning more than fifty percent by assessed value of the real property within the boundaries of the proposed district;

(2) It has been signed by more than fifty percent per capita of all owners of real property within the boundaries of the proposed district; and

(3) It contains the following information:

(a) The legal description of the proposed district, including a map illustrating the district boundaries;

(b) The name of the proposed district;

(c) A notice that the signatures of the signers may not be withdrawn later than seven days after the petition is filed with the municipal clerk;

(d) A five-year plan stating a description of the purposes of the proposed district, the services it will provide, the improvements it will make and an estimate of costs of these services and improvements to be incurred;

(e) A statement as to whether the district will be a political subdivision or a not-for-profit corporation and if it is to be a not-for-profit corporation, the name of the not-for-profit corporation;

(f) If the district is to be a political subdivision, a statement as to whether the district will be governed by a board elected by the district or whether the board will be appointed by the municipality, and, if the board is to be elected by the district, the names and terms of the initial board may be stated;

(g) If the district is to be a political subdivision, the number of directors to serve on the board;

(h) The total assessed value of all real property within the proposed district;

(i) A statement as to whether the petitioners are seeking a determination that the proposed district, or any legally described portion thereof, is a blighted area;

(j) The proposed length of time for the existence of the district;

(k) The maximum rates of real property taxes, and, business license taxes in the county seat of a county of the first classification without a charter form of government containing a population of at least two hundred thousand, that may be submitted to the qualified voters for approval;

(l) The maximum rates of special assessments and respective methods of assessment that may be proposed by petition;

(m) The limitations, if any, on the borrowing capacity of the district;

(n) The limitations, if any, on the revenue generation of the district;

(o) Other limitations, if any, on the powers of the district;

(p) A request that the district be established; and

(q) Any other items the petitioners deem appropriate; [and]

(4) The signature block for each real property owner signing the petition shall be in substantially the following form and contain the following information:

Name of owner: .....

Owner's telephone number and mailing address: .....

If signer is different from owner:

Name of signer: .....

State basis of legal authority to sign: .....

Signer's telephone number and mailing address: .....

If the owner is an individual, state if owner is single or married:.....

If owner is not an individual, state what type of entity: .....

Map and parcel number and assessed value of each tract of real property within the proposed district owned: .....

By executing this petition, the undersigned represents and warrants that he or she is authorized to execute this petition on behalf of the property owner named immediately above.

Shall the community improvement district, to be known as the "..... Community Improvement District" approved by the ..... (insert governing body) be established for the purpose of (here summarize the proposed improvements and services) and be authorized to impose a real property tax upon (all real property) within the district at a rate of not more than ten cents per hundred dollars assessed valuation for a period of ten

years from the date on which such tax is first imposed for the purpose of providing revenue for ..... (insert general description of purpose) in the district?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

The governing body of the city shall not submit the question to the qualified voters of the district on more than one occasion.

2. A district levying a real property tax pursuant to this section may repeal or amend such real property tax or lower the tax rate of such tax if such repeal, amendment or lower rate will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or obligations that it has issued to finance any improvements or services rendered within the district.

3. An election conducted under this section may be conducted in accordance with the provisions of chapter 115, or by mail-in ballot.”; and

Further amend said bill, Page 18, Section 67.1521, Line 59, by inserting after all of said line the following:

“67.1561. No lawsuit to set aside a district established, or a special assessment or a tax levied under sections 67.1401 to 67.1571 or to otherwise question the validity of the proceedings related thereto shall be brought after the expiration of ninety days from the effective date of the ordinance establishing such district in question **or the election establishing a district pursuant to section 67.1422** or the effective date of the resolution levying such special assessment or tax in question or the effective date of a merger of two districts under section 67.1485.”; and

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

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

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

*House Amendment No. 7*

AMEND House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 729, Page 80, Section 610.021, Line 110, by placing bracket around the word “[and]”; and

Further amend said page and section, Line 114, by inserting immediately after the word “business” the following:

“;

(23) Records that contain the electronic mail addresses of individuals; and

(24) Records that identify security systems or access codes or authorization codes for security systems of real property owned by a nonpublic entity.”; and

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

Representative Schupp moved that **House Amendment No. 7** be adopted.

Which motion was defeated.

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

*House Amendment No. 8*

AMEND House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 729, Section 71.015, Page 25, Line 137, by inserting the following after all of said line:

“94.837. 1. **(1)** The governing body of **the following cities may impose a tax as provided in this section:**

**(a)** Any city of the fourth classification with more than two thousand five hundred but fewer than two thousand six hundred inhabitants and located in any county of the third classification without a township form of government and with more than ten thousand four hundred but fewer than ten thousand five hundred inhabitants[, the governing body of];

**(b)** Any special charter city[, and the governing body of];

**(c)** Any city of the fourth classification with more than one thousand two hundred but fewer than one thousand three hundred inhabitants and located in any county of the third classification without a township form of government and with more than four thousand three hundred but fewer than four thousand four hundred inhabitants.

**(2) The governing body of any city listed in subdivision (1) of this subsection** may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof, which shall not be more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city submits to the voters of the city at a state general or primary election a proposal to authorize the governing body of the city to impose a tax under this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and **except as provided in subsection 4 of this section**, the proceeds of such tax shall be used by the city solely for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall ..... (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in ..... (name of city) at a rate of ..... (insert rate of percent) percent for the sole purpose of promoting tourism?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the city and such question is approved by a majority of the qualified voters of the city voting on the question.

3. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.

**4. In any special charter city with more than twenty-nine thousand but fewer than thirty-two thousand inhabitants, any tax imposed under this section shall be used by the city solely for the promotion of tourism and cultural activities, the development, construction, and operation of convention facilities, the promotion of business development, and the construction of related infrastructure and improvements. The ballot of submission for the tax authorized in this subsection shall be in substantially the following form:**

**"Shall ..... (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels and bed and breakfast inns situated in ..... (insert name of city) at a rate of up to five percent for the sole purpose of the promotion of tourism and cultural activities, development, construction, and operation of convention facilities, the promotion of business development, and the construction of related infrastructure and improvements?"**

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the political subdivision and such question is approved by a majority of the qualified voters voting on the question.”; and

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

Representative Flanigan offered **House Amendment No. 1 to House Amendment No. 8.**

*House Amendment No. 1*  
*to*  
*House Amendment No. 8*

AMEND House Amendment No. 8 to House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 729, Page 2, Line 32, by inserting after said line the following:

‘Further amend said bill, Page 2, Section A, Line 17, by inserting after said line the following:

“32.028. 1. There is hereby created a department of revenue in charge of a director appointed by the governor, by and with the advice and consent of the senate. The department shall collect all taxes and fees payable to the state as provided by law **and may collect, upon referral by a state agency, debts owed to any state agency subject to section 32.420.**

2. The powers, duties and functions of the department of revenue, chapter 32 and others, are transferred by type I transfer to the department of revenue. All powers, duties and function of the collector of revenue are transferred to the director of the department by type I transfer and the position of collector of revenue is abolished.

3. The powers, duties and functions of the state tax commission, chapter 138 and others, are transferred by type III transfer to the department of revenue.

4. All of the powers, duties and functions of the state tax commission relating to administration of the corporation franchise tax, chapter 152, and others, are transferred by type I transfer to the department of revenue; provided, however, that the provision of section 138.430 relating to appeals from decisions of the director of revenue shall apply to these taxes.

5. All the powers, duties and functions of the highway reciprocity commission, chapter 301, are transferred by type II transfer to the department of revenue.

**32.058. For all years beginning after January 1, 2013, notwithstanding the certified mail provisions contained in chapters 32, 140, 142, 143, 144, 147, 148, 149, and 302, the director of revenue may choose to mail any document by first class mail only if at least one notice of deficiency or assessment is sent to the taxpayer via certified mail to the last known address.**

32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection 18 of this section.

3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

4. The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5. The ordinance or order imposing a local sales tax under the local sales tax law shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

6. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local

sales taxes authorized under the authority of the local sales tax law. **The director shall retain one percent of the amount of any local sales or use tax collected for cost of collection.** All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

8. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

9. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

10. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

12. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales of motor vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the residence of the purchaser and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

13. Local sales taxes imposed pursuant to the local sales tax law on the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

14. The director of revenue and any of [his] **the director's** deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering [himself] **the director** and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

15. The director of revenue shall annually report on [his] **the director's** management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. [He] **The director** shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by him for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.



16. Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by [him] **such person** under the local sales tax law or in the event a determination has been made against [him] **such person** for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

17. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

18. If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.

**32.088. 1. Beginning January 1, 2013, the possession of a statement from the department of revenue stating no tax, applicable to the business seeking to issue or renew its license, is due under chapters 142, 143, 144, 147, and 149, and that no fees are due under section 260.262 or 260.273, shall be a prerequisite to the issuance or renewal of any city or county occupation license or any state license required for conducting any business unless the owner is by law subject at least biennially to a state tax check for purposes of retaining a professional license under sections 168.071, 324.010 and 484.053. The statement of no tax due shall be dated no longer than ninety days before the date of submission for application or renewal of the city or county license.**

**2. Beginning January 1, 2013, in lieu of subsection 1 of this section, the director shall, as soon as practical thereafter, enter into an agreement with any state agency responsible for issuing any state license for conducting any business requiring the agency to provide the director of revenue with the name and Missouri tax identification number of each applicant for licensure within one month of the date the application is filed or at least one month prior to the anticipated renewal of a licensee's license. If such licensee is delinquent on any taxes under chapters 142, 143, 144, 147, and 149, or fees under section 260.262 or 260.273, the director shall then send notice to each such entity and licensee. In the case of such delinquency or failure to file, the licensee's license shall be suspended within ninety days after notice of such delinquency or failure to file, unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. The director of revenue shall, within ten business days of notification to the governmental entity issuing the license that the delinquency has been remedied or arrangements have been made to remedy such delinquency, send written notification to the licensee that the delinquency has been remedied. Tax liability paid in protest or reasonably founded disputes with such liability shall be considered paid for the purposes of this section.**

**32.383. 1. Notwithstanding the provisions of any other law to the contrary, with respect to taxes administered by the department of revenue and imposed in this chapter and chapters 143, 144, and 147, an amnesty from the assessment or payment of all penalties, additions to tax, and interest shall apply with respect to unpaid taxes or taxes due and owing reported and paid in full from August 1, 2012, to October 31, 2012, regardless of whether previously assessed, except for penalties, additions to tax, and interest paid before August 1, 2012. The amnesty shall apply only to state tax liabilities due or due but unpaid on or before December 31, 2011, and shall not extend to any taxpayer who at the time of payment is a party to any criminal investigations or to any civil or criminal litigation that is pending in any court of the United States or this state for nonpayment, delinquency, or fraud in relation to any state tax imposed by this state.**

**2. Upon written application by the taxpayer, on forms prescribed by the director of revenue, and upon compliance with the provisions of this section, the department of revenue shall not seek to collect any penalty,**

addition to tax, or interest that may be applicable. The department of revenue shall not seek civil or criminal prosecution for any taxpayer for the taxable period for which the amnesty has been granted unless subsequent investigation or audit shows that the taxpayer engaged in fraudulent or criminal conduct in applying for amnesty.

3. Amnesty shall be granted only to those taxpayers who have applied for amnesty within the period stated in this section, who have filed a tax return for each taxable period for which amnesty is requested, who have paid the entire balance due by October 31, 2012, and who agree to comply with state tax laws for the next eight years from the date of the agreement. No taxpayer shall be entitled to a waiver of any penalty, addition to tax, or interest under this section unless full payment of the tax due is made in accordance with rules established by the director of revenue.

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

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

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

7. All tax payments received as a result of the amnesty program established in this section, other than revenues earmarked by the Constitution of Missouri or this state's statutes, shall be deposited in the state general revenue fund. The department must track all payments received and submit a report, no later than December 31, 2012, to the speaker of the house of representatives and the president pro tem in the senate.

8. The department may promulgate rules or issue administrative guidelines as are necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 1, 2012, shall be invalid and void.

9. This section shall become effective on July 1, 2012, and shall expire on December 31, 2015.

32.385. 1. The director of revenue and the commissioner of administration may jointly enter into a reciprocal collection and offset of indebtedness agreement with the federal government, under which the State will offset from state tax refunds and from payments otherwise due to vendors and contractors providing goods or services to state departments, agencies, or other state agencies non-tax debt owed to the federal government; and the federal government will offset from federal payments to vendors, contractors, and taxpayers debt owed to the state of Missouri.

2. When used in this section, the following words, terms, and phrases are defined as set forth herein:

(1) "Federal official", a unit or official of the federal government charged with the collection of nontax liabilities payable to the federal government under 31 U.S.C. Section 3716, as amended;

(2) "Nontax liability due the state", a liability certified to the director of revenue by a state agency and shall include, but shall not be limited to, fines, fees, penalties, and other nontax assessments imposed by or payable to any state agency that is finally determined to be due and owing;

(3) "Offset agreement", the agreement authorized by this section;

(4) "Person", an individual, partnership, society, association, joint stock company, corporation, public corporation, or any public authority, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity whether appointed by a court or otherwise, and any combination of the foregoing;

(5) "Refund", an amount described as a refund of tax under the provisions of the state tax law that authorized its payment;

(6) "State agency", any department, division, board, commission, office, or other agency of the state of Missouri;

(7) "Vendor payment", any payment, other than a refund, made by the state to any person or entity, and shall include but shall not be limited to any expense reimbursement to an employee of the state; but shall not include a person's salary, wages, or pension.

3. Under the offset agreement, a federal official may:
  - (1) Certify to the state of Missouri the existence of a person's delinquent nontax liability owed by the person to the federal government;
  - (2) Request that the state of Missouri withhold any refund and vendor payment to which the person is entitled;
  - (3) Certify and request the state of Missouri to withhold a refund or vendor payment only if the laws of the United States:
    - (a) Allow the state of Missouri to enter into a reciprocal agreement with the United States, under which the federal official would be authorized to offset federal payments to collect delinquent tax and nontax debts owed to the state; and
    - (b) Provide for the payment of the amount withheld to the state;
  - (4) Retain a portion of the proceeds of any collection setoff as provided under the setoff agreement.
4. Under the offset agreement, a certification by a federal official to the state of Missouri shall include:
  - (1) The full name of the person and any other names known to be used by the person;
  - (2) The Social Security number or federal tax identification number;
  - (3) The amount of the nontax liability; and
  - (4) A statement that the debt is past due and legally enforceable in the amount certified.
5. If a person for whom a certification is received from a federal official is due a refund of Missouri tax or a vendor payment, the agreement may provide that the state of Missouri shall:
  - (1) Withhold a refund or vendor payment that is due a person whose name has been certified by a federal official;
  - (2) In accordance with the provisions of the offset agreement, notify the person of the amount withheld in satisfaction of a liability certified by a federal official;
  - (3) Pay to the federal official the lesser of:
    - (a) The entire refund or vendor payment; or
    - (b) The amount certified; and
  - (4) Pay any refund or vendor payment in excess of the certified amount to the person.
6. Under the agreement, the director of revenue shall:
  - (1) Certify to a federal official the existence of a person's delinquent tax or nontax liability due the state owed by the person to any state agency;
  - (2) Request that the federal official withhold any eligible vendor payment to which the person is entitled; and
  - (3) Provide for the payment of the amount withheld to the state.
7. A certification by a state agency to the director of revenue and by the director of revenue to the federal official under the offset agreement shall include:
  - (1) The full name and address of the person and any other names known to be used by the person;
  - (2) The Social Security number or tax identification number;
  - (3) The amount of the tax or nontax liability;
  - (4) A statement that the debt is past due and legally enforceable in the amount certified; and
  - (5) Any other information required by federal statute or regulation applicable to the collection of the debt by offset of federal payments.
8. Any other provisions of law to the contrary notwithstanding, the director of revenue and the commissioner of administration shall have the authority to enter into reciprocal agreements with any other state which extends a like comity to this state to set off offset from state tax refunds and from payments otherwise due to vendors and contractors providing goods or services to state departments, agencies, or other state agencies nontax debt for debts due the other state that extends a like comity to this state.

32.410. As used in sections 32.410 to 32.460, the following terms shall mean:

- (1) "Debt", an amount owed to the state directly or through a state agency, on account of a fee, duty, lease, direct loan, loan insured or guaranteed by the state, rent, service, sale of real or personal property, overpayment, fine, assessment, penalty, restitution, damages, interest, tax, bail bond, forfeiture, reimbursement, liability owed, an assignment, recovery of costs incurred by the state, or any other source of indebtedness to the state;
- (2) "Debtor", an individual, a corporation, a partnership, an unincorporated association, a limited liability company, a trust, an estate, or any other public or private entity, including a state, local, or federal government, or an Indian tribe, that is liable for a debt or against whom there is a claim for a debt;

(3) "Department", the department of revenue;

(4) "State agency", any division, board, commission, office, or other agency of the state of Missouri, including public community college districts and any state or municipal court.

32.420. 1. Notwithstanding any other provision of law to the contrary, all state agencies may refer to the department for collection debts owed to them. The department may provide collection services on debts referred to the department by a state agency. This authority shall not supersede the authority granted to the attorney general under section 27.060 or any other statute.

2. A referring agency may refer the debt to the department for collection at any time after a debt becomes delinquent and uncontested and the debtor shall have no further administrative appeal of the amount of the debt. Methods and procedures for referral shall be governed by an agreement between the referring agency and the department.

3. The collection procedures and remedies under this chapter are in addition to any other procedure or remedy available by law. If the state agency's applicable state or federal law requires the use of a particular remedy or procedure for the collection of a debt, that particular remedy or procedure shall govern the collection of that debt to the extent the procedure or remedy is inconsistent with this chapter.

4. The state agency shall send notice to the debtor by United States mail at the debtor's last known address at least twenty days before the debt is referred to the department. The notice shall state the nature and amount of the debt, identify to whom the debt is owed, and inform the debtor of the remedies available under this chapter or the state agency's own procedures.

32.430. 1. Except as otherwise provided in this section, the department shall have the authority to use all general remedies afforded creditors of this state in collection of debt as well as any remedies afforded the state agency referring the debt and to the state in general as a creditor. The department shall not have authority to prosecute or defend civil actions on behalf of any other state agency, except as necessary to defend any challenges made to actions under section 140.910 or 143.902 for a debt referred by a state agency or to prosecute an action under subsection 10 of section 140.910.

2. In addition to the remedies identified in sections 32.410 to 32.460, the department may use the collection remedies afforded under sections 140.910 and 143.902 in the collection of any state debt referred to the department.

3. The department may employ department staff and attorneys, and at the department's discretion, prosecuting attorneys and private collection agencies as authorized in sections 136.150 and 140.850 in seeking collection of debts referred to the department by a state agency.

32.440. 1. The department shall add to the amount of debt referred to the department by a state agency the cost of collection which shall be ten percent of the total debt referred by the state agency. The department shall have the same authority to collect the cost of collection as the department has in collecting the debt referred by the state agency.

2. The cost of collection shall only be waived when:

(1) Within thirty days after the initial notice to the debtor by the department, the debtor establishes to the department reasonable cause for the failure to pay the debt prior to referral of the debt to the department, enters into an agreement satisfactory to the department to pay the debt in full, and fully abides by the terms of that agreement;

(2) A good faith dispute as to the legitimacy or the amount of the debt exists, and payment is remitted or an agreement satisfactory to the department to pay the debt in full is entered into within thirty days after resolution of the dispute, and the debtor fully abides by the terms of that agreement; or

(3) Collection costs have been added by the state agency and are included in the amount of the referred debt.

3. If the department collects an amount less than the total due, the payment shall be applied proportionally to collection costs and the underlying debt unless the department has waived this requirement for certain categories of debt. Collection costs collected by the department under this section shall be deposited in the general revenue fund.

32.450. The department may compromise state debt referred to the department in accordance with section 32.378 and any agreement with the referring agency.

**32.460. The department and state agencies, including the judiciary, may exchange such information, including the debtor's Social Security number, as is necessary for the successful collection of the state debt referred. The referring agency shall follow all applicable federal and state laws regarding the confidentiality of information and records regarding the debtor. The confidentiality laws applicable to the particular information received and retained by each agency shall apply to the employees of such state agency and to the department when such information has been forwarded to the department.”; and**

Further amend said bill, Page 28, Section 94.902, Line 100, by inserting after all of said line the following:

“105.716. 1. Any investigation, defense, negotiation, or compromise of any claim covered by sections 105.711 to 105.726 shall be conducted by the attorney general; provided, that in the case of any claim against the department of conservation, the department of transportation or a public institution which awards baccalaureate degrees, or any officer or employee of such department or such institution, any investigation, defense, negotiation, or compromise of any claim covered by sections 105.711 to 105.726 shall be conducted by legal counsel provided by the respective entity against which the claim is made or which employs the person against whom the claim is made.

In the case of any payment from the state legal expense fund based upon a claim or judgment against the department of conservation, the department of transportation or any officer or employee thereof, the department so affected shall immediately transfer to the state legal expense fund from the department funds a sum equal to the amount expended from the state legal expense fund on its behalf.

2. All persons and entities protected by the state legal expense fund shall cooperate with the attorneys conducting any investigation and preparing any defense under the provisions of sections 105.711 to 105.726 by assisting such attorneys in all respects, including the making of settlements, the securing and giving of evidence, and the attending and obtaining witness to attend hearings and trials. Funds in the state legal expense fund shall not be used to pay claims and judgments against those persons and entities who do not cooperate as required by this subsection.

3. The provisions of sections 105.711 to 105.726 notwithstanding, the attorney general may investigate, defend, negotiate, or compromise any claim covered by sections 105.711 to 105.726 against any public institution which awards baccalaureate degrees whose governing body has declared a state of financial exigency.

4. Notwithstanding the provisions of subsection 2 of section 105.711, funds in the state legal expense fund may be expended prior to the payment of any claim or any final judgment to pay costs of defense, including reasonable attorney's fees for retention of legal counsel, when the attorney general determines that a conflict exists or particular expertise is required, and also to pay for related legal expenses including medical examination fees, expert witness fees, court reporter expenses, travel costs and ancillary legal expenses incurred prior to the payment of a claim or any final judgment.

**5. Notwithstanding any other provision of law to the contrary, except for payments of less than ten thousand dollars for property damage, no funds shall be expended from the state legal expense fund for settlement of any liability claim except upon the production of a no tax due statement from the department of revenue by the party making claim or having judgment under section 105.711, which shall be satisfied from such fund. If the party is found by the director of revenue to owe a delinquent tax debt to the state of Missouri under the revenue laws of this state, after the payment of attorney's fees and expenses associated with liability of the fund to the party, any remaining funds to be paid to the party from the state legal expense fund shall be offset to satisfy such tax debt before payment is made to the party making claim or having judgment.”; and**

Further amend said bill, Page 31, Section 137.016, Line 94, by inserting after said line the following:

**“140.910. 1. In addition to any other remedy provided by law for the collection of delinquent taxes due the state of Missouri, if the director has filed a certificate of lien in the circuit court as provided by section 143.902, 144.380, or 144.690, the director or the director's designee may issue an order directing any person, after the payment of attorney fees and expenses associated with creating the proceeds belonging to, due, or to become due to the taxpayer, to withhold and pay over to the department assets belonging to, due, or to become due the taxpayer. The director or the director's designee shall not issue the administrative garnishment if the taxpayer has entered into a written agreement with the department for an alternative payment arrangement and the taxpayer is in compliance with the agreement.**

**2. An order entered under this section shall be served on the person or other legal entity either by regular mail or by certified mail, return receipt requested, or may be issued through electronic means, and shall be binding on the employer or other payor two weeks after mailing or electronic issuance of such service. The person**

or other entity in possession of assets belonging to, due, or to become due the taxpayer may deduct an additional sum not to exceed six dollars per month as reimbursement for costs, except that the total amount withheld shall not exceed the limitations contained in the federal Consumer Credit Protection Act, 15 U.S.C. Section 1673, as amended.

3. A copy of the order shall be mailed to the taxpayer at the taxpayer's last known address. The notice shall advise the taxpayer that the administrative garnishment has commenced and the procedures to contest such garnishment on the grounds that such garnishment is improper due to a mistake of fact by requesting a hearing within thirty days from mailing or electronic issuance of the notice. At such a hearing the certified records of the department shall constitute prima facie evidence that the director's order is valid and enforceable. If a prima facie case is established, the obligor may only assert as a defense mistake as to the identity of the taxpayer, mistake as to payments made, or existence of an alternative payment agreement for which no default has occurred. The taxpayer shall have the burden of proof on such issues. The taxpayer may obtain relief from the garnishment by paying the amount owed.

4. An employer or other payor shall withhold from the earnings or other income of each taxpayer the amount specified in the order. The employer or other payor shall transmit the payments as directed in the order within ten business days of the date the earnings, money due, or other income was payable to the taxpayer. For purposes of this section, "business day" means a day that state offices are open for regular business. The employer or other payor shall, along with the amounts transmitted, provide the date the amount was withheld from the taxpayer.

5. An order issued under subsection 1 of this section shall be a continuing order and shall remain in effect and be binding upon any employer or other payor upon whom it is directed until a further order of the director. The director shall notify an employer or other payor upon whom such an order has been directed whenever the deficiency is paid in full.

6. If the order is served on a person other than an employer or other payor, it shall be a lien against any money belonging to the taxpayer that is in the possession of the person on the date of service. The person other than an employer or other payor shall pay over any assets within ten business days of the service date of the order. A financial institution ordered to surrender an account shall be entitled to collect its normally scheduled account activity surcharges to maintain the account during the period of time the account is garnished. For purposes of this section, the interest of the taxpayer in any joint financial accounts shall be presumed to be equal to all other joint owners.

7. An order issued under subsection 1 of this section shall have priority over any other legal process under state law against the same income or other asset, except that where the other legal process is an order issued under section 452.350, 454.505, or 454.507, the withholding for child support shall have priority.

8. No person who complies with an order entered under this section shall be liable to the taxpayer, or to any other person claiming rights derived from the taxpayer, for wrongful withholding. A person who fails or refuses to withhold or pay the amounts as ordered under this section shall be liable to the state in a sum equal to the value of the wages or property not surrendered, but not to exceed the amount of tax deficiency. The director is hereby authorized to bring an action in circuit court to determine the liability of a person for failure to withhold or pay the amounts as ordered. If a court finds that a violation has occurred, the court may fine the person in an amount not to exceed five hundred dollars. The court may also enter a judgment against the person or other legal entity for the amounts to be withheld or paid, court costs, and reasonable attorney's surcharges.

9. The remedy provided by this section shall be available where the state or any of its political subdivisions is the employer or other payor of the taxpayer in the same manner and to the same extent as where the employer or other payor is a private party.

10. An employer shall not discharge, or refuse to hire or otherwise discipline, an employee as a result of an order to withhold and pay over certain money authorized by this section. If any such employee is discharged within thirty days of the date upon which an order to withhold and pay over certain money is to take effect, there shall arise a rebuttable presumption that such discharge was a result of such order. This presumption shall be overcome only by clear, cogent, and convincing evidence produced by the employer that the employee was not terminated because of the order to withhold and pay over certain money. The director or the director's designee is hereby authorized to bring an action in circuit court to determine whether the discharge constitutes a violation of this subsection. If the court finds that a violation has occurred, the court may enter an order against the employer requiring reinstatement of the employee and may fine the employer in an amount not to exceed five hundred dollars. Further, the court may enter judgment against the employer for the back wages, costs, attorney's surcharges, and for the amount of taxes that should have been withheld and paid over during the period of time the employee was wrongfully discharged.

**11. If a taxpayer for whom an order to withhold has been issued under subsection 1 of this section terminates the taxpayer's employment, the employer shall, within ten days of the termination, notify the department of the termination, shall provide to the department the last known address of the taxpayer, if known to the employer, and shall provide to the department the name and address of the taxpayer's new employer, if known. The director or the director's designee may issue an order to the new employer as provided in subsection 1 of this section.**

**12. For purposes of this section, "assets" include, but are not limited to, currency, any financial account or other liquid asset, and any income or other periodic form of payment due to a taxpayer regardless of source, including, but not limited to, wages, salaries, commissions, bonuses, workers' compensation benefits, disability benefits, payments pursuant to a pension or a retirement program, and interest.”; and**

Further amend said bill, Page 67, Section 141.1015, Line 2, by inserting after said line the following:

“144.190. 1. If a tax has been incorrectly computed by reason of a clerical error or mistake on the part of the director of revenue, such fact shall be set forth in the records of the director of revenue, and the amount of the overpayment shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.525, and the balance shall be refunded to the person legally obligated to remit the tax, such person's administrators or executors, as provided for in section 144.200.

2. If any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.525, and the balance, with interest as determined by section 32.065, shall be refunded to the person legally obligated to remit the tax, but no such credit or refund shall be allowed unless duplicate copies of a claim for refund are filed within three years from date of overpayment. **If a taxpayer applying for a refund under the provisions of this section submits a written request for the director to hold a refund claim unprocessed pending the outcome of legal proceedings on the same or similar grounds or transactions, and agrees that the taxpayer's claim will be bound by the outcome of such legal proceeding should the outcome of such proceeding be adverse to the taxpayer's position, the director shall hold such refund claim unprocessed pending the outcome of such legal proceedings on the same or similar grounds or transactions. Notwithstanding any provision of section 32.069 to the contrary, interest shall not accrue on any refund for the time period such refund claim is held at the request of the taxpayer applying for a refund under the provisions of this subsection. If the seller did not file a return with the director for the period for which the refund is claimed and remit payment as shown on the return, the director shall not issue the refund to the purchaser.**

3. Every claim for refund must be in writing and signed by the applicant, and must state the specific grounds upon which the claim is founded. Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered in any action brought by the director of revenue against the person legally obligated to remit the tax. In the event that a tax has been illegally imposed against a person legally obligated to remit the tax, the director of revenue shall authorize the cancellation of the tax upon the director's record.

4. **Notwithstanding the provisions of section 32.057, a purchaser that originally paid sales or use tax to a vendor or seller may submit a refund claim directly to the director of revenue for such sales or use taxes paid to such vendor or seller and remitted to the director, provided no sum shall be refunded more than once, any such claim shall be subject to any offset, defense, or other claim the director otherwise would have against either the purchaser or vendor or seller, and such claim for refund is accompanied by either:**

**(1) A notarized assignment of rights statement by the vendor or seller to the purchaser allowing the purchaser to seek the refund on behalf of the vendor or seller. An assignment of rights statement shall contain the Missouri sales or use tax registration number of the vendor or seller, a list of the transactions covered by the assignment, the tax periods and location for which the original sale was reported to the director of revenue by the vendor or seller, and a notarized statement signed by the vendor or seller affirming that the vendor or seller has not received a refund or credit, will not apply for a refund or credit of the tax collected on any transactions covered by the assignment, and authorizes the director to amend the seller's return to reflect the refund; or**

**(2) In the event the vendor or seller fails or refuses to provide an assignment of rights statement within sixty days from the date of such purchaser's written request to the vendor or seller, or the purchaser is not able to locate the vendor or seller or the vendor or seller is no longer in business, the purchaser may provide the director a notarized statement confirming the efforts that have been made to obtain an assignment of rights from the vendor or seller. Such statement shall contain a list of the transactions covered by the assignment, the tax periods and location for which the original sale was reported to the director of revenue by the vendor or seller.**

The director shall not require such vendor, seller, or purchaser to submit amended returns for refund claims submitted under the provisions of this subsection. Notwithstanding the provisions of section 32.057, if the seller is registered with the director for collection and remittance of sales tax, the director shall notify the seller at the seller's last known address of the claim for refund. If the seller objects to the refund within thirty days of the date of the notice, the director shall not pay the refund. If the seller agrees that the refund is warranted or fails to respond within thirty days, the director may issue the refund and amend the seller's return to reflect the refund. For purposes of section 32.069, the refund claim shall not be considered to have been filed until the seller agrees that the refund is warranted or thirty days after the date the director notified the seller and the seller failed to respond.

5. Notwithstanding the provisions of section 32.057, when a vendor files a refund claim on behalf of a purchaser and such refund claim is denied by the director, notice of such denial and the reason for the denial shall be sent by the director to the vendor and each purchaser whose name and address is submitted with the refund claim form filed by the vendor. A purchaser shall be entitled to appeal the denial of the refund claim within sixty days of the date such notice of denial is mailed by the director as provided in section 144.261. The provisions of this subsection shall apply to all refund claims filed after August 28, 2012. The provisions of this subsection allowing a purchaser to appeal the director's decision to deny a refund claim shall also apply to any refund claim denied by the director on or after January 1, 2007, if an appeal of the denial of the refund claim is filed by the purchaser no later than September 28, 2012, and if such claim is based solely on the issue of the exemption of the electronic transmission or delivery of computer software.

6. Notwithstanding the provisions of this section, the director of revenue shall authorize direct-pay agreements to purchasers which have annual purchases in excess of seven hundred fifty thousand dollars pursuant to rules and regulations adopted by the director of revenue. For the purposes of such direct-pay agreements, the taxes authorized pursuant to chapters 66, 67, 70, 92, 94, 162, 190, 238, 321, and 644 shall be remitted based upon the location of the place of business of the purchaser.

[5.] 7. Special rules applicable to error corrections requested by customers of mobile telecommunications service are as follows:

(1) For purposes of this subsection, the terms "customer", "home service provider", "place of primary use", "electronic database", and "enhanced zip code" shall have the same meanings as defined in the Mobile Telecommunications Sourcing Act incorporated by reference in section 144.013;

(2) Notwithstanding the provisions of this section, if a customer of mobile telecommunications services believes that the amount of tax, the assignment of place of primary use or the taxing jurisdiction included on a billing is erroneous, the customer shall notify the home service provider, in writing, within three years from the date of the billing statement. The customer shall include in such written notification the street address for the customer's place of primary use, the account name and number for which the customer seeks a correction of the tax assignment, a description of the error asserted by the customer and any other information the home service provider reasonably requires to process the request;

(3) Within sixty days of receiving the customer's notice, the home service provider shall review its records and the electronic database or enhanced zip code to determine the customer's correct taxing jurisdiction. If the home service provider determines that the review shows that the amount of tax, assignment of place of primary use or taxing jurisdiction is in error, the home service provider shall correct the error and, at its election, either refund or credit the amount of tax erroneously collected to the customer for a period of up to three years from the last day of the home service provider's sixty-day review period. If the home service provider determines that the review shows that the amount of tax, the assignment of place of primary use or the taxing jurisdiction is correct, the home service provider shall provide a written explanation of its determination to the customer.

[6.] 8. For all refund claims submitted to the department of revenue on or after September 1, 2003, notwithstanding any provision of this section to the contrary, if a person legally obligated to remit the tax levied pursuant to sections 144.010 to 144.525 has received a refund of such taxes for a specific issue and submits a subsequent claim for refund of such taxes on the same issue for a tax period beginning on or after the date the original refund check issued to such person, no refund shall be allowed. This subsection shall not apply and a refund shall be allowed if an additional refund claim is filed due to any of the following:

- (1) Receipt of additional information or an exemption certificate from the purchaser of the item at issue;
- (2) A decision of a court of competent jurisdiction or the administrative hearing commission; or
- (3) Changes in regulations or policy by the department of revenue.

[7.] 9. Notwithstanding any provision of law to the contrary, the director of revenue shall respond to a request for a binding letter ruling filed in accordance with section 536.021 within sixty days of receipt of such request. If the director of revenue fails to respond to such letter ruling request within sixty days of receipt by the director, the director



of revenue shall be barred from pursuing collection of any assessment of sales or use tax with respect to the issue which is the subject of the letter ruling request. For purposes of this subsection, the term "letter ruling" means a written interpretation of law by the director to a specific set of facts provided by a specific taxpayer or his or her agent.

[8.] **10.** If any tax was paid more than once, was incorrectly collected, or was incorrectly computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.510, against any deficiency or tax due discovered through an audit of the person by the department of revenue through adjustment during the same tax filing period for which the audit applied.”; and

Further amend said bill, Page 81, Section B, Lines 1-6, by deleting all of said lines and inserting in lieu thereof the following:

“Section B. Because immediate action is necessary to secure adequate state and local revenues, the enactment of section 32.383 and the repeal and reenactment of section 50.622 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 32.383 and the repeal and reenactment of section 50.622 of this act shall be in full force and effect upon its passage and approval.”; and’; and

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

On motion of Representative Flanigan, **House Amendment No. 1 to Amendment No. 8** was adopted.

On motion of Representative Neth, **House Amendment No. 8, as amended**, was adopted.

Representative Brattin offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 729, Page 2, Section A, Line 17, by inserting after all of said section and line the following:

**“9.015. No state or local governmental entity, public building, public park, public school, or public setting or place shall ban or otherwise restrict the practice, mention, celebration, or discussion of any federal holiday.”;** and

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

On motion of Representative Brattin, **House Amendment No. 9** was adopted.

Representative Riddle moved the previous question.

Which motion was adopted by the following vote:

AYES: 093

|          |           |           |            |              |
|----------|-----------|-----------|------------|--------------|
| Allen    | Asbury    | Bahr      | Barnes     | Bernskoetter |
| Berry    | Brandom   | Brattin   | Brown 85   | Brown 116    |
| Burlison | Cauthorn  | Cierpiot  | Conway 14  | Cox          |
| Crawford | Cross     | Davis     | Day        | Diehl        |
| Elmer    | Entlicher | Fisher    | Fitzwater  | Flanigan     |
| Fraker   | Franz     | Frederick | Fuhr       | Funderburk   |
| Gosen    | Grisamore | Guernsey  | Hampton    | Higdon       |
| Hinson   | Hoskins   | Hough     | Houghton   | Johnson      |
| Jones 89 | Jones 117 | Keeney    | Kelley 126 | Klippenstein |

## 2441 *Journal of the House*

|           |             |           |              |             |
|-----------|-------------|-----------|--------------|-------------|
| Koenig    | Korman      | Lair      | Lant         | Largent     |
| Lasater   | Leach       | Leara     | Lichtenegger | Loehner     |
| Long      | Marshall    | McCaherty | McGhee       | McNary      |
| Molendorp | Nance       | Neth      | Nolte        | Parkinson   |
| Phillips  | Redmon      | Reiboldt  | Richardson   | Riddle      |
| Rowland   | Ruzicka     | Sater     | Schad        | Scharnhorst |
| Schatz    | Schieber    | Schneider | Schoeller    | Shumake     |
| Silvey    | Smith 150   | Solon     | Sommer       | Stream      |
| Torpey    | Wallingford | Wells     | Weter        | White       |
| Wieland   | Wright      | Zerr      |              |             |

NOES: 055

|           |            |             |            |               |
|-----------|------------|-------------|------------|---------------|
| Anders    | Atkins     | Aull        | Black      | Brown 50      |
| Carlson   | Carter     | Casey       | Colona     | Ellinger      |
| Ellington | Fallert    | Harris      | Hodges     | Holsman       |
| Hubbard   | Hummel     | Jones 63    | Kander     | Kelly 24      |
| Kirkton   | Kratky     | Lampe       | May        | McCann Beatty |
| McCreery  | McDonald   | McGeoghegan | McManus    | McNeil        |
| Meadows   | Montecillo | Morgan      | Nasheed    | 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: 015

|           |          |                |         |            |
|-----------|----------|----------------|---------|------------|
| Conway 27 | Cookson  | Curtman        | Denison | Dieckhaus  |
| Dugger    | Franklin | Gatschenberger | Haefner | Hughes     |
| Lauer     | Pollock  | Thomson        | Wyatt   | Mr Speaker |

On motion of Representative Kelly (24), **HCS#2 SCS SB 729, as amended**, was adopted.

On motion of Representative Kelly (24), **HCS#2 SCS SB 729, as amended**, was read the third time and passed by the following vote:

AYES: 121

|             |                |              |           |           |
|-------------|----------------|--------------|-----------|-----------|
| Anders      | Asbury         | Atkins       | Aull      | Bahr      |
| Barnes      | Bernskoetter   | Berry        | Black     | Brandom   |
| Brattin     | Brown 50       | Brown 85     | Brown 116 | Burlison  |
| Casey       | Cauthorn       | Cierpiot     | Conway 14 | Conway 27 |
| Cookson     | Cox            | Crawford     | Cross     | Curtman   |
| Davis       | Day            | Diehl        | Dugger    | Ellinger  |
| Elmer       | Entlicher      | Fallert      | Fisher    | Fitzwater |
| Flanigan    | Fraker         | Franz        | Frederick | Fuhr      |
| Funderburk  | Gatschenberger | Gosen        | Grisamore | Guernsey  |
| Haefner     | Hampton        | Harris       | Higdon    | Hinson    |
| Hodges      | Hoskins        | Hough        | Houghton  | Hubbard   |
| Johnson     | Jones 89       | Jones 117    | Kander    | Keeney    |
| Kelley 126  | Kelly 24       | Klippenstein | Koenig    | Korman    |
| Kratky      | Lair           | Lampe        | Lant      | Largent   |
| Lasater     | Leara          | Lichtenegger | Loehner   | Long      |
| McGeoghegan | McGhee         | McNary       | Meadows   | Molendorp |

|             |          |             |             |            |
|-------------|----------|-------------|-------------|------------|
| Nance       | Nasheed  | Neth        | Nichols     | Nolte      |
| Parkinson   | Phillips | Quinn       | Redmon      | Reiboldt   |
| Richardson  | Riddle   | Rowland     | Ruzicka     | Sater      |
| Scharnhorst | Schatz   | Schieber    | Schieffer   | Schneider  |
| Schoeller   | Shively  | Shumake     | Silvey      | Smith 150  |
| Solon       | Sommer   | Still       | Stream      | Swearingen |
| Swinger     | Torpey   | Wallingford | Walton Gray | Wells      |
| Weter       | White    | Wieland     | Wright      | Wyatt      |
| Zerr        |          |             |             |            |

NOES: 031

|          |          |               |           |          |
|----------|----------|---------------|-----------|----------|
| Carlson  | Carter   | Colona        | Ellington | Holsman  |
| Hughes   | Hummel   | Jones 63      | Kirkton   | Leach    |
| Marshall | May      | McCann Beatty | McCreery  | McDonald |
| McManus  | McNeil   | Montecillo    | Morgan    | Newman   |
| Oxford   | Pace     | Pierson       | Rizzo     | Schupp   |
| Sifton   | Smith 71 | Spreng        | Talboy    | Taylor   |
| Webb     |          |               |           |          |

PRESENT: 000

ABSENT WITH LEAVE: 011

|            |         |           |          |        |
|------------|---------|-----------|----------|--------|
| Allen      | Denison | Dieckhaus | Franklin | Lauer  |
| McCaherty  | Pollock | Schad     | Thomson  | Webber |
| Mr Speaker |         |           |          |        |

Representative Funderburk declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 137

|               |             |                |            |            |
|---------------|-------------|----------------|------------|------------|
| Allen         | Anders      | Asbury         | Atkins     | Aull       |
| Bahr          | Barnes      | Bernskoetter   | Berry      | Black      |
| Brandom       | Brattin     | Brown 85       | Brown 116  | Burlison   |
| Carter        | Casey       | Cauthorn       | Cierpiot   | Colona     |
| Conway 14     | Conway 27   | Cookson        | Cox        | Crawford   |
| Cross         | Curtman     | Davis          | Day        | Dieckhaus  |
| Diehl         | Dugger      | Elmer          | Entlicher  | Fallert    |
| Fitzwater     | Flanigan    | Fraker         | Franz      | Frederick  |
| Fuhr          | Funderburk  | Gatschenberger | Gosen      | Grisamore  |
| Guernsey      | Haefner     | Hampton        | Harris     | Higdon     |
| Hinson        | Hodges      | Holsman        | Hoskins    | Hough      |
| Houghton      | Hubbard     | Johnson        | Jones 63   | Jones 89   |
| Jones 117     | Kander      | Keeney         | Kelley 126 | Kelly 24   |
| Klippenstein  | Korman      | Kratky         | Lair       | Lampe      |
| Lant          | Largent     | Lasater        | Leach      | Leara      |
| Lichtenegger  | Loehner     | Long           | May        | McCaherty  |
| McCann Beatty | McDonald    | McGeoghegan    | McGhee     | McManus    |
| McNary        | McNeil      | Meadows        | Molendorp  | Montecillo |
| Nance         | Neth        | Nichols        | Nolte      | Parkinson  |
| Phillips      | Pierson     | Pollock        | Quinn      | Redmon     |
| Reiboldt      | Richardson  | Rizzo          | Rowland    | Ruzicka    |
| Sater         | Scharnhorst | Schatz         | Schieber   | Schieffer  |
| Schneider     | Schoeller   | Schupp         | Shively    | Shumake    |

2443 *Journal of the House*

|        |        |             |             |        |
|--------|--------|-------------|-------------|--------|
| Sifton | Silvey | Smith 150   | Solon       | Sommer |
| Still  | Stream | Swearingen  | Swinger     | Talboy |
| Taylor | Torpey | Wallingford | Walton Gray | Webb   |
| Wells  | Weter  | White       | Wieland     | Wright |
| Wyatt  | Zerr   |             |             |        |

NOES: 014

|         |          |           |        |         |
|---------|----------|-----------|--------|---------|
| Carlson | Ellinger | Ellington | Hummel | Kirkton |
| Koenig  | Marshall | McCreery  | Morgan | Newman  |
| Oxford  | Pace     | Smith 71  | Spreng |         |

PRESENT: 000

ABSENT WITH LEAVE: 012

|          |            |        |          |         |
|----------|------------|--------|----------|---------|
| Brown 50 | Denison    | Fisher | Franklin | Hughes  |
| Lauer    | Nasheed    | Riddle | Schad    | Thomson |
| Webber   | Mr Speaker |        |          |         |

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1424**, entitled:

An act to repeal sections 43.260 and 43.265, RSMo, and to enact in lieu thereof two new sections relating to the state highway patrol.

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

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

AMEND Senate Amendment No. 1 to House Bill No. 1424, Page 1, Section 306.111, Line 18, by inserting a closing bracket after "the"; and

Further amend said line by striking "] waters" and inserting in lieu thereof the following:

**"and rivers";** and

Further amend said amendment, Page 2, Section 306.112, Line 16, by inserting a closing bracket after the word "the"; and

Further amend said line by striking "] waters" and inserting in lieu thereof the following:

**"and rivers";** and

Further amend said amendment, Page 5, Section 306.116, Line 4, by inserting a closing bracket after "the"; and

Further amend said line, by striking "] waters" and inserting in lieu thereof the following:

**"and rivers";** and

Further amend Line 12, by inserting a closing bracket after the word "or"; and

Further amend Lines 12 to 13, by striking "]" waters" and inserting in lieu thereof the following:

**"and rivers".**

*Senate Amendment No. 1*

AMEND House Bill No. 1424, Page 1, Section Title, Line 3, by striking "the state highway patrol" and inserting in lieu thereof the following:

"watercraft"; and

Further amend said bill, Page 2, Section 43.265, Line 19, by inserting immediately after said line the following:

"306.111. 1. A person commits the crime of negligent operation of a vessel if when operating a vessel he or she acts with criminal negligence, as defined in subsection 5 of section 562.016, to cause physical injury to any other person or damage to the property of any other person. A person convicted of negligent operation of a vessel is guilty of a class B misdemeanor upon conviction for the first violation, guilty of a class A misdemeanor upon conviction for the second violation, and guilty of a class D felony for conviction for the third and subsequent violations.

2. A person commits the crime of operating a vessel while intoxicated if he or she operates a vessel on the [Mississippi River, Missouri River or the lakes] **waters** of this state while in an intoxicated condition. Operating a vessel while intoxicated is a class B misdemeanor.

3. A person commits the crime of involuntary manslaughter with a vessel if, while in an intoxicated condition, he or she operates any vessel and, when so operating, acts with criminal negligence to cause the death of any person. Involuntary manslaughter with a vessel is a class C felony.

4. A person commits the crime of assault with a vessel in the second degree if, while in an intoxicated condition, he or she operates any vessel and, when so operating, acts with criminal negligence to cause physical injury to any other person. Assault with a vessel in the second degree is a class D felony.

5. For purposes of this section, a person is in an intoxicated condition when he or she is under the influence of alcohol, a controlled substance or drug, or any combination thereof.

306.112. 1. A person commits the crime of operating a vessel with excessive blood alcohol content if such person operates a vessel on the [Mississippi River, Missouri River or the lakes] **waters** of this state with eight-hundredths of one percent or more by weight of alcohol in such person's blood.

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood and may be shown by chemical analysis of the person's blood, breath, urine, or saliva.

3. Operating a vessel with excessive blood alcohol content is a class B misdemeanor.

306.113. 1. For purposes of sections [306.111] **306.110** to 306.119, the term "operate" means to physically control the movement of a vessel in motion under mechanical or sail power in water.

2. No arrest shall be made under sections [306.111] **306.110** to 306.119 unless probable cause exists for that arrest.

306.114. 1. No person convicted of or pleading guilty to a violation of section **306.110**, 306.111 or 306.112 shall be granted a suspended imposition of sentence, unless such person is placed on probation for a minimum of two years and a record of the conviction or plea of guilty is entered into the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol.

2. Chemical tests of a person's blood, breath, urine, or saliva to be considered valid under the provisions of sections [306.111] **306.110** to 306.119 shall be performed according to methods and devices approved by the department of health and senior services by licensed medical personnel or by a person possessing a valid permit issued by the department of health and senior services for this purpose. In addition, any state, county, or municipal law enforcement officer who is certified pursuant to chapter 590 may, prior to arrest, administer a portable chemical test to any person suspected of operating any vessel in violation of section **306.110**, 306.111, or 306.112. A portable chemical test shall be admissible as evidence of probable cause to arrest and as exculpatory evidence, but shall not be admissible as

evidence of blood alcohol content. The provisions of section 306.116 shall not apply to a test administered prior to arrest pursuant to this section.

3. The department of health and senior services shall approve satisfactory techniques, devices, equipment, or methods to conduct tests required by sections [306.111] **306.110** to 306.119, and shall establish standards as to the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination, suspension or revocation by the department of health and senior services.

4. A licensed physician, registered nurse, or trained medical technician, acting at the request and direction of a law enforcement officer, shall withdraw blood for the purpose of determining the alcohol content of the blood, unless the medical personnel, in the exercise of good faith medical judgment, believes such procedure would endanger the life or health of the person in custody. Blood may be withdrawn only by such medical personnel, but such restriction shall not apply to the taking of a breath test or a urine or saliva specimen. In withdrawing blood for the purpose of determining the alcohol content in the blood, only a previously unused and sterile needle and sterile vessel shall be used and the withdrawal shall otherwise be in strict accord with accepted medical practices. Upon the request of the person who is tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to such person.

5. No person who administers any test pursuant to the provisions of sections [306.111] **306.110** to 306.119 upon the request of a law enforcement officer, no hospital in or with which such person is employed or is otherwise associated or in which such test is administered, and no other person, firm, or corporation by whom or with which such person is employed or is in any way associated shall be civilly liable for damages to the person tested, except for negligence in administering of the test or for willful and wanton acts or omissions.

6. Any person who is dead, unconscious or who is otherwise in a condition rendering such person incapable of refusing to take a test as provided in sections [306.111] **306.110** to 306.119 shall be deemed not to have withdrawn the consent provided by section 306.116 and the test or tests may be administered.

306.116. 1. Any person who operates a vessel upon the [Mississippi River, Missouri River or the lakes] **waters** of this state shall be deemed to have given consent to, subject to the provisions of sections [306.111] **306.110** to 306.119, a chemical test or tests of such person's breath, blood, urine, or saliva for the purpose of determining the alcohol or drug content of such person's blood if arrested for any offense arising out of acts which the arresting law enforcement officer had reasonable grounds to believe were committed while the person was operating a vessel upon the [Mississippi River, Missouri River or lakes] **waters** of this state in violation of section **306.110**, 306.111, or 306.112. The test shall be administered at the direction of the arresting law enforcement officer whenever the person has been arrested for the offense.

2. The implied consent to submit to the chemical tests listed in subsection 1 of this section shall be limited to not more than two such tests arising from the same arrest, incident, or charge.

3. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of such person's choosing and at such person's expense administer a test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer.

4. Upon the request of the person who is tested, full information concerning the test shall be made available to such person.

306.117. 1. Upon the trial of any person for violation of any of the provisions of section **306.110**, 306.111, or 306.112 the amount of alcohol or drugs in the person's blood at the time of the act alleged as shown by any chemical analysis of the person's blood, breath, urine, or saliva is admissible in evidence and the provisions of subdivision (5) of section 491.060 shall not prevent the admissibility or introduction of such evidence if otherwise admissible. Evidence of alcohol in a person's blood shall be given the following effect:

(1) If there was five-hundredths of one percent or less by weight of alcohol in such person's blood, it shall be presumed that the person was not intoxicated at the time the specimen was obtained;

(2) If there was in excess of five-hundredths of one percent but less than eight-hundredths of one percent by weight of alcohol in such person's blood, the fact shall not give rise to any presumption that the person was or was not intoxicated, but the fact may be considered with other competent evidence in determining whether the person was intoxicated;

(3) If there was eight-hundredths of one percent or more by weight of alcohol in the person's blood, this shall be prima facie evidence that the person was intoxicated at the time the specimen was taken.

2. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood.

3. A chemical analysis of a person's breath, blood, urine, or saliva, in order to give rise to the presumption or to have the effect provided for in subsection 1 of this section, shall have been performed as provided in sections [306.111] **306.110** to 306.119 and in accordance with methods and standards approved by the department of health and senior services.

4. The provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was intoxicated or under the influence of a controlled substance, or drug, or a combination of either or both with or without alcohol.

306.118. 1. For purposes of this section, unless the context clearly indicates otherwise, the following terms mean:

- (1) "Aggravated offender", a person who:
  - (a) Has pleaded guilty to or has been found guilty of three or more intoxication-related boating offenses; or
  - (b) Has pleaded guilty to or has been found guilty of one or more intoxication-related boating offenses and any of the following: involuntary manslaughter under subsection 3 of section 306.111; **involuntary manslaughter involving a vessel under section 565.024**; assault with a vessel in the second degree under subsection 4 of section 306.111, or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;
- (2) "Chronic offender":
  - (a) A person who has pleaded guilty to or has been found guilty of four or more intoxication-related boating offenses; or
  - (b) A person who has pleaded guilty to or has been found guilty of, on two or more separate occasions, any combination of the following: involuntary manslaughter under subsection 3 of section 306.111; **involuntary manslaughter involving a vessel under section 565.024**; assault with a vessel in the second degree under subsection 4 of section 306.111; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082; or
  - (c) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related boating offenses and any of the following: involuntary manslaughter under subsection 3 of section 306.111; **involuntary manslaughter involving a vessel under section 565.024**; assault with a vessel in the second degree under subsection 4 of section 306.111; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;
- (3) "Intoxication-related boating offense", operating a vessel while intoxicated under subsection 2 of section 306.111; operating a vessel with excessive blood alcohol content under section 306.112; involuntary manslaughter under subsection 3 of section 306.111; **involuntary manslaughter involving a vessel under section 565.024**; assault with a vessel in the second degree under subsection 4 of section 306.111; any violation of subsection 2 of section 306.110; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;
- (4) "Persistent offender", one of the following:
  - (a) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related boating offenses;
  - (b) A person who has pleaded guilty to or has been found guilty of involuntary manslaughter under subsection 3 of section 306.111, **involuntary manslaughter involving a vessel under section 565.024**, assault in the second degree under subsection 4 of section 306.111, assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;
- (5) "Prior offender", a person who has pleaded guilty to or has been found guilty of one intoxication-related boating offense, where such prior offense occurred within five years of the occurrence of the intoxication-related boating offense for which the person is charged.

2. Any person who pleads guilty to or is found guilty of a violation of subsection 2 of section 306.110, section 306.111, or section 306.112, who is alleged and proved to be a prior offender shall be guilty of a class A misdemeanor.

3. Any person who pleads guilty to or is found guilty of a violation of subsection 2 of section 306.110, section 306.111, or section 306.112, who is alleged and proved to be a persistent offender shall be guilty of a class D felony.

4. Any person who pleads guilty to or is found guilty of a violation of subsection 2 of section 306.110, section 306.111, or section 306.112, who is alleged and proved to be an aggravated offender shall be guilty of a class C felony.

5. Any person who pleads guilty to or is found guilty of a violation of subsection 2 of section 306.110, section 306.111, or section 306.112 who is alleged and proved to be a chronic offender shall be guilty of a class B felony.

6. No state, county, or municipal court shall suspend the imposition of sentence as to a prior offender, persistent offender, aggravated offender, or chronic offender under this section, nor sentence such person to pay a fine in lieu of a term of imprisonment, notwithstanding the provisions of section 557.011 to the contrary notwithstanding. No prior offender shall be eligible for parole or probation until he or she has served a minimum of five days imprisonment, unless

as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. No persistent offender shall be eligible for parole or probation until he or she has served a minimum of ten days imprisonment, unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court. No aggravated offender shall be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment. No chronic offender shall be eligible for parole or probation until he or she has served a minimum of two years imprisonment.

7. The state, county, or municipal court shall find the defendant to be a prior offender, persistent offender, aggravated offender, or chronic offender if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender.

8. In a jury trial, the facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.

9. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

10. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

11. The defendant may waive proof of the facts alleged.

12. Nothing in this section shall prevent the use of presentence investigations or commitments.

13. At the sentencing hearing both the state, county, or municipality and the defendant shall be permitted to present additional information bearing on the issue of sentence.

14. The pleas or findings of guilt shall be prior to the date of commission of the present offense.

15. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilt, to assess and declare the punishment as part of its verdict in cases of prior offenders, persistent offenders, aggravated offenders, or chronic offenders.

306.119. 1. If an arresting officer requests a person under arrest to submit to a chemical test, such request shall include the reasons of the officer for requesting the person to submit to a test and shall inform the person that he or she may refuse such request but that such person's refusal may be used as evidence against him or her. If a person refuses a test as provided in this subsection, no test shall be given.

2. If a person refuses to submit to a chemical test of such person's breath, blood, urine, or saliva and that person stands trial for the crimes provided in section **306.110**, 306.111, or 306.112, such refusal may be admissible into evidence at the trial."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 1818**, entitled:

An act to repeal section 137.016, RSMo, and to enact in lieu thereof one new section relating to residential property.

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

*Senate Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1818, Page 3, Section 137.016, Lines 55-71, by striking all of said lines and inserting in lieu thereof the following:



"percentage of the true value in money of the property devoted to each use; except that, where agricultural and horticultural property, as defined in this section, also contains a dwelling unit or units, the farm dwelling, appurtenant residential-related structures and up to five acres immediately surrounding such farm dwelling shall be residential property, as defined in this section."

*Senate Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 1818, Page 4, Section 137.016, Line 94, by inserting after all of said line the following:

"137.076. In establishing the value of a parcel of real property the county assessor shall consider **current market conditions and** previous decisions of the county board of equalization, the state tax commission or a court of competent jurisdiction that affected the value of such parcel. **For purposes of this section, the term "current market conditions", shall include the impact upon the housing market of foreclosures and bank sales.**"; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

**APPOINTMENT OF CONFERENCE COMMITTEE**

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

**HCS SS SB 769:** Representatives Richardson, Zerr, Cierpiot, Taylor and Sifton

**THIRD READING OF SENATE BILL**

**SB 893**, relating to reinstating driving privileges, was taken up by Representative Richardson.

Representative Jones (117) offered **House Amendment No. 1.**

*House Amendment No. 1*

AMEND Senate Bill No. 893, Page 7, Section 302.060, Line 92, by inserting after the period "." on said line, the following:

**"The ignition interlock device required for reinstatement under this subsection and for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309 shall have photo identification technology and global positioning system features."**; and

Further amend said bill, page, and section, Line 94, by inserting after the period "." on said line, the following:

**"If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months."**; and

Further amend said bill, Page 8, Section 302.060, Line 119, by inserting after all of said section and line, the following:

“302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;

(2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension.

Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. **If a person, otherwise subject to the provisions of this subsection, files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, then the period of suspension shall be fifteen days, followed by a seventy-five day period of restricted driving privilege. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated. Upon completion of such seventy-five-day period of restricted driving privilege, upon compliance with other requirements of law, and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such seventy-five day period indicate that the ignition interlock device has registered a blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional seventy-five day period of restricted driving privilege without any such violations.**

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, **or, if applicable, if the person fails to maintain proof that any vehicle operated is equipped with a functioning, certified ignition interlock device installed pursuant to subsection 5 of this section,** the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the armed forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the armed forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (22) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023 or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001 or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

16. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject

to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (9) of subsection 1 of section 302.302 shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. **If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months.** If the person fails to maintain such proof with the director, the license shall be resuspended or revoked and the person shall be guilty of a class A misdemeanor."; and

Further amend said bill, Pages 8-13, Section 302.309, Lines 1-199, by deleting all of said section and lines from the bill and inserting in lieu thereof, the following:

"302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303.

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts, the director of revenue, or a commissioner operating under section 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges. Any application may be made in writing to the director of revenue and the person's reasons for requesting the limited driving privilege shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

- (a) A business, occupation, or employment;
- (b) Seeking medical treatment for such operator;
- (c) Attending school or other institution of higher education;
- (d) Attending alcohol or drug treatment programs;
- (e) Seeking the required services of a certified ignition interlock device provider; or
- (f) Any other circumstance the court or director finds would create an undue hardship on the operator; the court

or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator's principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant's driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303 for that vehicle.

(4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of subdivision (8) of this subsection,

**or a license revocation under paragraph (h) of subdivision (6) of this subsection, until the applicant has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of limited driving privilege. The ignition interlock device required for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of this subsection shall have photo identification technology and global positioning system features.**

(5) The court order or the director's grant of the limited or restricted driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension or revocation. **The court order or the director's grant of the limited or restricted driving privilege shall also indicate whether a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle with the limited driving privilege.** A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of installation of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

(6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a limited driving privilege who at the time of application for a limited driving privilege has previously been granted such a privilege within the immediately preceding five years, or whose license has been suspended or revoked for the following reasons:

(a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar provision of any federal or state law, or a municipal or county law where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, until the person has completed the first thirty days of a suspension or revocation imposed pursuant to this chapter;

(b) A conviction of any felony in the commission of which a motor vehicle was used;

(c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, or having left the scene of an accident as provided in section 577.060;

(e) Due to a revocation for the first time for failure to submit to a chemical test pursuant to section 577.041 or due to a refusal to submit to a chemical test in any other state, if such person has not completed the first ninety days of such revocation;

(f) Violation more than once of the provisions of section 577.041 or a similar implied consent law of any other state; [or]

(g) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited driving privilege; or

**(h) Due to a revocation pursuant to subsection 2 of section 302.525 if such person has not completed the first forty-five days of such revocation, provided the person is not otherwise ineligible for a limited driving privilege.**

(7) No person who possesses a commercial driver's license shall receive a limited driving privilege issued for the purpose of operating a commercial motor vehicle if such person's driving privilege is suspended, revoked, canceled, denied, or disqualified. Nothing in this section shall prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial motor vehicle provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege.

(8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least [three years] **forty-five days** of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding [three years] **forty-five days** and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state.

(b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of involuntary manslaughter while operating a motor vehicle in an intoxicated condition,

a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least [two years] **forty-five days** of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding [two years] **forty-five days** and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision.

(9) A DWI docket or court established under section 478.007 may grant a limited driving privilege to a participant in or graduate of the program who would otherwise be ineligible for such privilege under another provision of law. The DWI docket or court shall not grant a limited driving privilege to a participant during his or her initial forty-five days of participation.

4. Any person who has received notice of denial of a request of limited driving privilege by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving privilege.

5. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void."; and

Further amend said bill, Page 13, Section 302.309, Line 199, by inserting after all of said section and line, the following:

"302.525. 1. The license suspension or revocation shall become effective fifteen days after the subject person has received the notice of suspension or revocation as provided in section 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.515.

If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final order is issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

2. The period of license suspension or revocation under this section shall be as follows:

(1) If the person's driving record shows no prior alcohol-related enforcement contacts during the immediately preceding five years, the period of suspension shall be thirty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege as defined in section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be issued until he or she has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible. **The restricted driving privilege shall indicate whether a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle. A copy of the restricted driving privilege shall be given to the person and such person shall carry a copy of the restricted driving privilege while operating a motor vehicle.** In no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until the person has completed the first thirty days of a suspension under this section. **If a person, otherwise subject to the provisions of this subdivision files proof of installation with the department of revenue that any vehicle operated is equipped with a functioning, certified ignition interlock device, then the period of suspension shall be fifteen days, followed by a seventy-five day period of restricted driving privilege. Upon completion of such seventy-five day period of restricted driving privilege, upon compliance with other requirements of law, and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such seventy-five day period indicate that the ignition interlock device has registered a blood alcohol concentration level above the alcohol setpoint established by the**

department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional seventy-five day period of restricted driving privilege without any such violations. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated;

(2) The period of revocation shall be one year if the person's driving record shows one or more prior alcohol-related enforcement contacts during the immediately preceding five years;

(3) In no case shall restricted driving privileges be issued under this section to any person whose driving record shows one or more prior alcohol-related enforcement contacts until the person has completed the first thirty days of a suspension under this section and has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of the restricted driving privilege. If the person fails to maintain such proof the restricted driving privilege shall be terminated.

3. For purposes of this section, "alcohol-related enforcement contacts" shall include any suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving while intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle while having an unlawful alcohol concentration.

4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 or 577.012 or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section and any other suspension or revocation arising from such convictions shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation arising from such convictions, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods.

5. Any person who has had a license to operate a motor vehicle revoked under this section or suspended under this section with one or more prior alcohol-related enforcement contacts showing on their driver record shall be required to file proof with the director of revenue that any motor vehicle operated by that person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. **If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months.** If the person fails to maintain such proof with the director, the license shall be resuspended or revoked, as applicable."; and

Further amend said bill, Page 13, Section 302.309, Line 199, by inserting after all of said section and line, the following:

"Section B. The repeal and reenactment of sections 302.304, 302.309, and 302.525 shall become effective October 1, 2013."; and

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

On motion of Representative Jones (117), **House Amendment No. 1** was adopted.

On motion of Representative Richardson, **SB 893, as amended**, was read the third time and passed by the following vote:

AYES: 148

|         |         |              |           |          |
|---------|---------|--------------|-----------|----------|
| Allen   | Anders  | Asbury       | Atkins    | Aull     |
| Bahr    | Barnes  | Bernskoetter | Berry     | Black    |
| Brandom | Brattin | Brown 50     | Brown 116 | Burlison |
| Carlson | Carter  | Casey        | Cauthorn  | Cierpiot |

|                |              |            |             |             |
|----------------|--------------|------------|-------------|-------------|
| Colona         | Conway 14    | Conway 27  | Cookson     | Cox         |
| Crawford       | Curtman      | Davis      | Day         | Dieckhaus   |
| Diehl          | Dugger       | Ellinger   | Ellington   | Elmer       |
| Entlicher      | Fallert      | Fisher     | Fitzwater   | Flanigan    |
| Fraker         | Franz        | Frederick  | Fuhr        | Funderburk  |
| Gatschenberger | Gosen        | Grisamore  | Guernsey    | Haefner     |
| Hampton        | Harris       | Higdon     | Hinson      | Hodges      |
| Holsman        | Hoskins      | Hough      | Houghton    | Hubbard     |
| Hummel         | Johnson      | Jones 63   | Jones 89    | Jones 117   |
| Kander         | Keeney       | Kelley 126 | Kelly 24    | Kirkton     |
| Klippenstein   | Koenig       | Korman     | Kratky      | Lair        |
| Lampe          | Lant         | Largent    | Lasater     | Leach       |
| Leara          | Lichtenegger | Lochner    | Long        | Marshall    |
| May            | McCreery     | McDonald   | McGeoghegan | McGhee      |
| McManus        | McNeil       | Meadows    | Molendorp   | Montecillo  |
| Morgan         | Nance        | Neth       | Newman      | Nichols     |
| Nolte          | Oxford       | Pace       | Parkinson   | Phillips    |
| Pierson        | Quinn        | Redmon     | Reiboldt    | Richardson  |
| Riddle         | Rizzo        | Rowland    | Ruzicka     | Sater       |
| Scharnhorst    | Schatz       | Schieber   | Schieffer   | Schneider   |
| Schoeller      | Schupp       | Shively    | Shumake     | Sifton      |
| Silvey         | Smith 71     | Smith 150  | Solon       | Sommer      |
| Spreng         | Still        | Stream     | Swearingen  | Swinger     |
| Talboy         | Taylor       | Thomson    | Torpey      | Wallingford |
| Walton Gray    | Wells        | Weter      | White       | Wieland     |
| Wright         | Wyatt        | Zerr       |             |             |

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

|          |           |               |          |            |
|----------|-----------|---------------|----------|------------|
| Brown 85 | Cross     | Denison       | Franklin | Hughes     |
| Lauer    | McCaherty | McCann Beatty | McNary   | Nasheed    |
| Pollock  | Schad     | Webb          | Webber   | Mr Speaker |

Representative Funderburk declared the bill passed.

## HOUSE BILL WITH SENATE AMENDMENTS

**HB 1424, with Senate Amendment No. 1 to Senate Amendment No. 1 and Senate Amendment No. 1, as amended**, relating to the sale of surplus patrol property, was taken up by Representative Marshall.

Representative Marshall moved that the House refuse to concur in **Senate Amendment No. 1 to Senate Amendment No. 1** and **Senate Amendment No. 1, as amended**, to **HB 1424** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.



## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS#2 SCS HB 1170, as amended**, and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HB 1318**, entitled:

An act to amend chapter 630, RSMo, by adding thereto one new section relating to employees of certain mental health facilities.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 4, Senate Amendment No. 5 and Senate Amendment No. 6.

### *Senate Amendment No. 1*

AMEND Senate Substitute for House Bill No. 1318, Page 1, Section A, Line 3, by inserting immediately after said line the following:

"630.170. 1. A person who is listed on the department of mental health disqualification registry pursuant to this section, who is listed on the department of social services or the department of health and senior services employee disqualification list pursuant to section 660.315, or who has been convicted of or pled guilty or nolo contendere to any crime pursuant to section 565.210, 565.212, or 565.214, or section 630.155 or 630.160 shall be disqualified from holding any position in any public or private facility [or], day program, **residential facility, or specialized service** operated, **licensed, certified, accredited, in possession of deemed status, or** funded [or licensed] by the department or in any mental health facility or mental health program in which people are admitted on a voluntary or involuntary basis or are civilly detained pursuant to chapter 632.

2. A person who has been convicted of or pled guilty or nolo contendere to any felony offense against persons as defined in chapter 565; any felony sexual offense as defined in chapter 566; any felony offense defined in section 568.020, 568.045, 568.050, 568.060, 569.020, 569.025, 569.030, 569.035, 569.040, 569.050, 569.070, or 569.160, or of an equivalent felony offense, or who has been convicted of or pled guilty or nolo contendere to any violation of subsection 3 of section 198.070, or has been convicted of or pled guilty or nolo contendere to any offense requiring registration under section 589.400, shall be disqualified from holding any direct-care position in any public or private facility, day program, residential facility or specialized service operated, **licensed, certified, accredited, in possession of deemed status, or** funded [or licensed] by the department or any mental health facility or mental health program in which people are admitted on a voluntary basis or are civilly detained pursuant to chapter 632.

3. A person who has received a suspended imposition of sentence or a suspended execution of sentence following a plea of guilty to any of the disqualifying crimes listed in subsection 1 or 2 of this section shall remain disqualified.

4. Any person disqualified pursuant to the provisions of subsection 1 or 2 of this section may seek an exception to the disqualification from the director of the department or the director's designee. The request shall be written and may not be made more than once every [twelve] **six** months. The request may be granted by the director or designee if in the judgment of the director or designee a clear showing has been made by written submission only, that the person will not commit any additional acts for which the person had originally been disqualified for or any other acts that would be harmful to a patient, resident or client of a facility, program or service. The director or designee may grant an exception subject to any conditions deemed appropriate and failure to comply with such terms may result in the person again being disqualified. **Any person placed on the disqualification registry prior to August 28, 2012, may be removed from the registry by the director or designee if in the judgment of the director or designee a clear showing has been made, by written submission only, that the person will not commit any additional acts for which the person had originally been disqualified for or any other acts that would be harmful to a patient, resident, or client of a facility, program, or service.** Decisions by the director or designee pursuant to the provisions of this subsection shall not be subject to appeal. The right to request an exception pursuant to this subsection shall not apply to persons who are disqualified due to being listed on the department of social services or department of health and senior

services employee disqualification list pursuant to section 660.315, nor to persons disqualified from employment due to any crime pursuant to the provisions of chapter 566 or section 565.020, 565.021, 568.020, 568.060, 569.025, or 569.070.

5. An applicant for a [direct care] position in any public or private facility, day program, residential facility, or specialized service operated, **licensed, certified, accredited, in possession of deemed status, or funded**[, or licensed] by the department or any mental health facility or mental health program in which people are admitted on a voluntary basis or are civilly detained pursuant to chapter 632 shall:

- (1) Sign a consent form as required by section 43.540 to provide written consent for a criminal record review;
- (2) Disclose the applicant's criminal history. For the purposes of this subdivision "criminal history" includes any suspended imposition of sentence, any suspended execution of sentence, or any period of probation or parole; and
- (3) Disclose if the applicant is listed on the employee disqualification list as provided in section 660.315, or the department of mental health disqualification registry as provided for in this section.

6. Any person who has received a good cause waiver issued by the [division of] **department of health and senior services** or its predecessor under subsection 9 of section 660.317 shall not require an additional exception under this section in order to be employed in a long-term care facility licensed under chapter 198.

7. Any public or private residential facility, day program, or specialized service **operated, licensed, certified, accredited, in possession of deemed status, or funded** by the department **or any mental health facility or mental health program in which people are admitted on a voluntary basis or are civilly detained pursuant to chapter 632** shall, not later than two working days after hiring any person for a full-time, part-time, or temporary position that will have contact with clients, residents, or patients:

- (1) Request a criminal background check as provided in section 43.540;
- (2) Make an inquiry to the department of social services and department of health and senior services to determine whether the person is listed on the employee disqualification list as provided in section 660.315; and
- (3) Make an inquiry to the department of mental health to determine whether the person is listed on the disqualification registry as provided in this section.

8. An applicant who knowingly fails to disclose his or her criminal history as required in subsection 5 of this section is guilty of a class A misdemeanor. A provider is guilty of a class A misdemeanor if the provider hires a person to hold a direct-care position knowing that such person has been disqualified pursuant to the provisions of subsection [1 or] 2 of this section. **A provider is guilty of a class A misdemeanor if the provider hires a person to hold any position knowing that such person has been disqualified pursuant to the provisions of subsection 1 of this section.**

9. **Any public or private residential facility, day program, or specialized service operated, licensed, certified, accredited, in possession of deemed status or funded by the department or any mental health facility or mental health program in which people are admitted on a voluntary basis or are civilly detained pursuant to chapter 632 that declines to employ or discharges a person who is disqualified pursuant to the provisions of subsection 1 or 2 of this section shall be immune from suit by that person or anyone else acting for or in behalf of that person for the failure to employ or for the discharge of the person due to disqualification.**

10. **Any employer who is required to discharge an employee because the employee was placed on a disqualification registry maintained by the department of mental health after the date of hire shall not be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge pursuant to section 288.100.**

11. The department [may] **shall** maintain a disqualification registry and place on the registry the names of any persons who have been finally determined by the department to be disqualified [pursuant to this section, or who have had] **based upon** administrative substantiations made against them for abuse or neglect pursuant to department rule **or regulation**. Such list shall reflect that the person is barred from holding any position in any public or private facility [or], day program, **residential facility, or specialized service operated, licensed, certified, accredited, in possession of deemed status, or funded** [or licensed] by the department, or any mental health facility or mental health program in which persons are admitted on a voluntary basis or are civilly detained pursuant to chapter 632. **The length of time the person's name shall appear on the disqualification registry shall be determined by the director or the director's designee, based upon the criteria contained in subsection 13 of this section.**

12. **Persons notified that their name will be placed on the disqualification registry may appeal such determination pursuant to department rule or regulation. If the person appeals, the hearing tribunal shall not modify the length of time the person's name shall appear on the disqualification registry if the hearing tribunal upholds all of the administrative substantiations made by the director or the director's designee. If the hearing tribunal overturns part of the administrative substantiations made by the director or the director's designee, the hearing tribunal may consider modifying the length of time the person's name shall appear on the disqualification registry based upon testimony and evidence received during the hearing.**

13. The length of time the person's name shall appear on the disqualification registry shall be determined by the director or the director's designee based upon the following:

- (1) Whether the person acted recklessly or knowingly, as defined in chapter 562;
- (2) The degree of actual or potential injury or harm to the patient, resident, or client;
- (3) The degree of actual or potential danger to the health, safety, or welfare of the patient, resident, or client;
- (3) The degree of misappropriation or conversion of patient, resident, or client funds or property;
- (4) Whether the person has previously been listed on the department's disqualification registry;
- (5) Any mitigating circumstances; and
- (6) Any aggravating circumstances.

14. The department shall provide the disqualification registry maintained pursuant to this section to other state and federal agencies upon request. The department may provide the disqualification registry maintained pursuant to this section to any public or private facility, day program, residential facility, or specialized service operated, licensed, certified, accredited, in possession of deemed status, or funded by the department or to any mental health facility or mental health program in which people are admitted on a voluntary or involuntary basis or are civilly detained pursuant to chapter 632. The department may also provide the disqualification registry to a recognized school of nursing, medicine, or other health profession for the purpose of determining whether students scheduled to participate in clinical rotations are included in the employee disqualification registry."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 2*

AMEND Senate Substitute for House Bill No. 1318, Page 1, Section 630.945, Line 4, by inserting immediately after "630.945." the following:

**"Beginning July 1, 2013,".**

*Senate Amendment No. 4*

AMEND Senate Substitute for House Bill No. 1318, Page 1, Section Title, Lines 3-4 of said page, by striking the following:

"employees of certain mental health facilities" and inserting in lieu thereof the following: "facilities that conduct mental health services"; and

Further amend said bill and page, Section 630.945, Line 10 of said page, by inserting after all of said line the following:

"632.501. If the director of the department of mental health determines that the person's mental abnormality has so changed that the person is not likely to commit acts of sexual violence if released, the director shall authorize the person to petition the court for release. The petition shall be served upon the court that committed the person, **the prosecutor of the jurisdiction into which the committed person is to be released**, the director of the department of mental health, the head of the facility housing the person, and the attorney general. The hearing and trial, if any, shall be conducted according to the provisions of section 632.498."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 5*

AMEND Senate Substitute for House Bill No. 1318, Page 1, Section Title, Lines 3-4 of said page, by striking the following:

"employees of certain mental health facilities" and inserting in lieu thereof the following: "facilities that conduct mental health services"; and

Further amend said bill and page, Section A, Line 3 of said page, by inserting after all of said line the following:

**"559.117. 1. The director of the department of corrections is authorized to establish, as a three-year pilot program, a mental health assessment process.**

**2. Only upon a motion filed by the prosecutor in a criminal case, the judge who is hearing the criminal case in a participating county may request that an offender be placed in the department of corrections for one hundred twenty days for a mental health assessment and for treatment if it appears that the offender has a mental disorder or mental illness such that the offender may qualify for probation including community psychiatric rehabilitation (CPR) programs and such probation is appropriate and not inconsistent with public safety. Before the judge rules upon the motion, the victim shall be given notice of such motion and the opportunity to be heard. Upon recommendation of the court, the department shall determine the offender's eligibility for the mental health assessment process.**

**3. Following this assessment and treatment period, an assessment report shall be sent to the sentencing court and the sentencing court may, if appropriate, release the offender on probation. The offender shall be supervised on probation by a state probation and parole officer, who shall work cooperatively with the department of mental health to enroll eligible offenders in community psychiatric rehabilitation (CPR) programs.**

**4. Notwithstanding any other provision of law, probation shall not be granted under this section to offenders who:**

- (1) Have been found guilty of, or plead guilty to, murder in the second degree under section 565.021;**
- (2) Have been found guilty of, or plead guilty to, forcible rape under section 566.030;**
- (3) Have been found guilty of, or plead guilty to, statutory rape in the first degree under section 566.032;**
- (4) Have been found guilty of, or plead guilty to, forcible sodomy under section 566.060;**
- (5) Have been found guilty of, or plead guilty to, statutory sodomy in the first degree under section 566.062;**
- (6) Have been found guilty of, or plead guilty to, child molestation in the first degree under section 566.067 when classified as a class A felony;**
- (7) Have been found to be a predatory sexual offender under section 558.018; or**
- (8) Have been found guilty of, or plead guilty to, any offense for which there exists a statutory prohibition against either probation or parole.**

**5. At the end of the three-year pilot, the director of the department of corrections and the director of the department of mental health shall jointly submit recommendations to the governor and to the general assembly by December 31, 2015, on whether to expand the process statewide."; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 6*

AMEND Senate Substitute for House Bill No. 1318, Page 1, Section Title, Lines 3-4, by striking the words "employees of certain mental health facilities" and inserting in lieu thereof the following:

"employee hours and identity"; and

Further amend said bill and page, Section A, Line 3, by inserting after all of said line the following:

**"407.1355. 1. Except as provided in this section a person or entity, not including a state or local agency, shall not do any of the following:**

(1) Publicly post or publicly display in any manner an individual's Social Security number. "Publicly post" or "publicly display" is defined in this section to intentionally communicate or otherwise make available to the general public or to an individual's co-workers;

(2) Require an individual to transmit his or her Social Security number over the Internet, unless the connection is secure or the Social Security number is encrypted;

(3) Require an individual to use his or her Social Security number to access an internet website, unless a password, unique personal identification number, or other authentication device is also required to access the internet website;

(4) Require an individual to use his or her Social Security number as an employee number for any type of employment-related activity;

**(5) Require an individual to use the last four digits of his or her Social Security number as an employee number for any type of employment-related activity.**

2. The provisions of [subsection 1 of this section apply only to the use of Social Security numbers on or after January 1, 2006] **subdivision (5) of subsection 1 of this section shall only apply to such use after December 31, 2015.**

3. This section does not prevent the collection, use, or release of a Social Security number as required by state or federal law or the use of a Social Security number for internal verification or administrative purposes.

4. This section does not apply to documents that are recorded or required to be open to the public pursuant to chapter 610. This section does not apply to records that are required by statute, case law, or Missouri court rules to be made available to the public.

5. If a federal law takes effect requiring the United States Department of Health and Human Services to establish a national unique patient health identifier program, any person or entity that complies with the federal law shall be deemed in compliance with this section."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SS SB 769, as amended**: Senators Kraus, Rupp, Kehoe, Green and McKenna.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 813, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

### THIRD READING OF SENATE BILL

**HCS SS SCS SB 755**, relating to public safety, was taken up by Representative Cookson.

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

#### *House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 5, Section 304.823, Line 67, by inserting after all of said section and line the following:

"306.111. 1. A person commits the crime of negligent operation of a vessel if when operating a vessel he or she acts with criminal negligence, as defined in subsection 5 of section 562.016, to cause physical injury to any other person or damage to the property of any other person. A person convicted of negligent operation of a vessel is guilty of a class B misdemeanor upon conviction for the first violation, guilty of a class A misdemeanor upon conviction for the second violation, and guilty of a class D felony for conviction for the third and subsequent violations.

2. A person commits the crime of operating a vessel while intoxicated if he or she operates a vessel on the [Mississippi River, Missouri River or the lakes] **waters** of this state while in an intoxicated condition. Operating a vessel while intoxicated is a class B misdemeanor.

3. A person commits the crime of involuntary manslaughter with a vessel if, while in an intoxicated condition, he or she operates any vessel and, when so operating, acts with criminal negligence to cause the death of any person. Involuntary manslaughter with a vessel is a class C felony.

4. A person commits the crime of assault with a vessel in the second degree if, while in an intoxicated condition, he or she operates any vessel and, when so operating, acts with criminal negligence to cause physical injury to any other person. Assault with a vessel in the second degree is a class D felony.

5. For purposes of this section, a person is in an intoxicated condition when he or she is under the influence of alcohol, a controlled substance or drug, or any combination thereof.

306.112. 1. A person commits the crime of operating a vessel with excessive blood alcohol content if such person operates a vessel on the [Mississippi River, Missouri River or the lakes] **waters** of this state with eight-hundredths of one percent or more by weight of alcohol in such person's blood.

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood and may be shown by chemical analysis of the person's blood, breath, urine, or saliva.

3. Operating a vessel with excessive blood alcohol content is a class B misdemeanor.

306.113. 1. For purposes of sections [306.111] **306.110** to 306.119, the term "operate" means to physically control the movement of a vessel in motion under mechanical or sail power in water.

2. No arrest shall be made under sections [306.111] **306.110** to 306.119 unless probable cause exists for that arrest.

306.114. 1. No person convicted of or pleading guilty to a violation of section **306.110**, 306.111 or 306.112 shall be granted a suspended imposition of sentence, unless such person is placed on probation for a minimum of two years and a record of the conviction or plea of guilty is entered into the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol.

2. Chemical tests of a person's blood, breath, urine, or saliva to be considered valid under the provisions of sections [306.111] **306.110** to 306.119 shall be performed according to methods and devices approved by the department of health and senior services by licensed medical personnel or by a person possessing a valid permit issued by the department of health and senior services for this purpose. In addition, any state, county, or municipal law enforcement officer who is certified pursuant to chapter 590 may, prior to arrest, administer a portable chemical test to any person suspected of operating any vessel in violation of section **306.110**, 306.111, or 306.112. A portable chemical test shall be admissible as evidence of probable cause to arrest and as exculpatory evidence, but shall not be admissible as evidence of blood alcohol content. The provisions of section 306.116 shall not apply to a test administered prior to arrest pursuant to this section.

3. The department of health and senior services shall approve satisfactory techniques, devices, equipment, or methods to conduct tests required by sections [306.111] **306.110** to 306.119, and shall establish standards as to the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination, suspension or revocation by the department of health and senior services.

4. A licensed physician, registered nurse, or trained medical technician, acting at the request and direction of a law enforcement officer, shall withdraw blood for the purpose of determining the alcohol content of the blood, unless the medical personnel, in the exercise of good faith medical judgment, believes such procedure would endanger the life or health of the person in custody. Blood may be withdrawn only by such medical personnel, but such restriction shall not apply to the taking of a breath test or a urine or saliva specimen. In withdrawing blood for the purpose of determining the alcohol content in the blood, only a previously unused and sterile needle and sterile vessel shall be used and the withdrawal shall otherwise be in strict accord with accepted medical practices. Upon the request of the person who is tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to such person.

5. No person who administers any test pursuant to the provisions of sections [306.111] **306.110** to 306.119 upon the request of a law enforcement officer, no hospital in or with which such person is employed or is otherwise associated or in which such test is administered, and no other person, firm, or corporation by whom or with which such person is employed or is in any way associated shall be civilly liable for damages to the person tested, except for negligence in administering of the test or for willful and wanton acts or omissions.

6. Any person who is dead, unconscious or who is otherwise in a condition rendering such person incapable of refusing to take a test as provided in sections [306.111] **306.110** to 306.119 shall be deemed not to have withdrawn the consent provided by section 306.116 and the test or tests may be administered.

306.116. 1. Any person who operates a vessel upon the [Mississippi River, Missouri River or the lakes] **waters** of this state shall be deemed to have given consent to, subject to the provisions of sections [306.111] **306.110** to 306.119, a chemical test or tests of such person's breath, blood, urine, or saliva for the purpose of determining the alcohol or drug content of such person's blood if arrested for any offense arising out of acts which the arresting law enforcement officer had reasonable grounds to believe were committed while the person was operating a vessel upon the [Mississippi River, Missouri River or lakes] **waters** of this state in violation of section **306.110**, 306.111, or 306.112. The test shall be administered at the direction of the arresting law enforcement officer whenever the person has been arrested for the offense.

2. The implied consent to submit to the chemical tests listed in subsection 1 of this section shall be limited to not more than two such tests arising from the same arrest, incident, or charge.

3. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of such person's choosing and at such person's expense administer a test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer.

4. Upon the request of the person who is tested, full information concerning the test shall be made available to such person.

306.117. 1. Upon the trial of any person for violation of any of the provisions of section **306.110**, 306.111, or 306.112 the amount of alcohol or drugs in the person's blood at the time of the act alleged as shown by any chemical analysis of the person's blood, breath, urine, or saliva is admissible in evidence and the provisions of subdivision (5) of section 491.060 shall not prevent the admissibility or introduction of such evidence if otherwise admissible. Evidence of alcohol in a person's blood shall be given the following effect:

(1) If there was five-hundredths of one percent or less by weight of alcohol in such person's blood, it shall be presumed that the person was not intoxicated at the time the specimen was obtained;

(2) If there was in excess of five-hundredths of one percent but less than eight-hundredths of one percent by weight of alcohol in such person's blood, the fact shall not give rise to any presumption that the person was or was not intoxicated, but the fact may be considered with other competent evidence in determining whether the person was intoxicated;

(3) If there was eight-hundredths of one percent or more by weight of alcohol in the person's blood, this shall be prima facie evidence that the person was intoxicated at the time the specimen was taken.

2. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood.

3. A chemical analysis of a person's breath, blood, urine, or saliva, in order to give rise to the presumption or to have the effect provided for in subsection 1 of this section, shall have been performed as provided in sections [306.111] **306.110** to 306.119 and in accordance with methods and standards approved by the department of health and senior services.

4. The provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was intoxicated or under the influence of a controlled substance, or drug, or a combination of either or both with or without alcohol.

306.118. 1. For purposes of this section, unless the context clearly indicates otherwise, the following terms mean:

(1) "Aggravated offender", a person who:

(a) Has pleaded guilty to or has been found guilty of three or more intoxication-related boating offenses; or  
(b) Has pleaded guilty to or has been found guilty of one or more intoxication-related boating offenses and any of the following: involuntary manslaughter under subsection 3 of section 306.111; **involuntary manslaughter involving a vessel under section 565.024**; assault with a vessel in the second degree under subsection 4 of section 306.111, or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;

(2) "Chronic offender":

(a) A person who has pleaded guilty to or has been found guilty of four or more intoxication-related boating offenses; or

(b) A person who has pleaded guilty to or has been found guilty of, on two or more separate occasions, any combination of the following: involuntary manslaughter under subsection 3 of section 306.111; **involuntary manslaughter involving a vessel under section 565.024**; assault with a vessel in the second degree under subsection 4 of section 306.111; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082; or

(c) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related boating offenses and any of the following: involuntary manslaughter under subsection 3 of section 306.111; **involuntary manslaughter involving a vessel under section 565.024**; assault with a vessel in the second degree under subsection 4 of section 306.111; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;

(3) "Intoxication-related boating offense", operating a vessel while intoxicated under subsection 2 of section 306.111; operating a vessel with excessive blood alcohol content under section 306.112; involuntary manslaughter under subsection 3 of section 306.111; **involuntary manslaughter involving a vessel under section 565.024**; assault with a vessel in the second degree under subsection 4 of section 306.111; any violation of subsection 2 of section 306.110; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;

(4) "Persistent offender", one of the following:

(a) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related boating offenses;

(b) A person who has pleaded guilty to or has been found guilty of involuntary manslaughter under subsection 3 of section 306.111, **involuntary manslaughter involving a vessel under section 565.024**, assault in the second degree under subsection 4 of section 306.111, assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;

(5) "Prior offender", a person who has pleaded guilty to or has been found guilty of one intoxication-related boating offense, where such prior offense occurred within five years of the occurrence of the intoxication-related boating offense for which the person is charged.

2. Any person who pleads guilty to or is found guilty of a violation of subsection 2 of section 306.110, section 306.111, or section 306.112, who is alleged and proved to be a prior offender shall be guilty of a class A misdemeanor.

3. Any person who pleads guilty to or is found guilty of a violation of subsection 2 of section 306.110, section 306.111, or section 306.112, who is alleged and proved to be a persistent offender shall be guilty of a class D felony.

4. Any person who pleads guilty to or is found guilty of a violation of subsection 2 of section 306.110, section 306.111, or section 306.112, who is alleged and proved to be an aggravated offender shall be guilty of a class C felony.

5. Any person who pleads guilty to or is found guilty of a violation of subsection 2 of section 306.110, section 306.111, or section 306.112 who is alleged and proved to be a chronic offender shall be guilty of a class B felony.

6. No state, county, or municipal court shall suspend the imposition of sentence as to a prior offender, persistent offender, aggravated offender, or chronic offender under this section, nor sentence such person to pay a fine in lieu of a term of imprisonment, notwithstanding the provisions of section 557.011 to the contrary notwithstanding. No prior offender shall be eligible for parole or probation until he or she has served a minimum of five days imprisonment, unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. No persistent offender shall be eligible for parole or probation until he or she has served a minimum of ten days imprisonment, unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court. No aggravated offender shall be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment. No chronic offender shall be eligible for parole or probation until he or she has served a minimum of two years imprisonment.

7. The state, county, or municipal court shall find the defendant to be a prior offender, persistent offender, aggravated offender, or chronic offender if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender.

8. In a jury trial, the facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.



9. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

10. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

11. The defendant may waive proof of the facts alleged.

12. Nothing in this section shall prevent the use of presentence investigations or commitments.

13. At the sentencing hearing both the state, county, or municipality and the defendant shall be permitted to present additional information bearing on the issue of sentence.

14. The pleas or findings of guilt shall be prior to the date of commission of the present offense.

15. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilt, to assess and declare the punishment as part of its verdict in cases of prior offenders, persistent offenders, aggravated offenders, or chronic offenders.

306.119. 1. If an arresting officer requests a person under arrest to submit to a chemical test, such request shall include the reasons of the officer for requesting the person to submit to a test and shall inform the person that he or she may refuse such request but that such person's refusal may be used as evidence against him or her. If a person refuses a test as provided in this subsection, no test shall be given.

2. If a person refuses to submit to a chemical test of such person's breath, blood, urine, or saliva and that person stands trial for the crimes provided in section **306.110**, 306.111, or 306.112, such refusal may be admissible into evidence at the trial.”; and

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

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 088

|           |             |              |                |              |
|-----------|-------------|--------------|----------------|--------------|
| Allen     | Asbury      | Bahr         | Bernskoetter   | Berry        |
| Brandom   | Brattin     | Brown 85     | Brown 116      | Burlison     |
| Cauthorn  | Conway 14   | Cookson      | Cox            | Crawford     |
| Cross     | Curtman     | Davis        | Dieckhaus      | Dugger       |
| Entlicher | Fisher      | Flanigan     | Fraker         | Franz        |
| Frederick | Fuhr        | Funderburk   | Gatschenberger | Gosen        |
| Grisamore | Guernsey    | Haefner      | Hampton        | Higdon       |
| Hinson    | Hoskins     | Hough        | Houghton       | Johnson      |
| Jones 89  | Jones 117   | Keeney       | Kelley 126     | Klippenstein |
| Koenig    | Korman      | Lair         | Lant           | Largent      |
| Leach     | Leara       | Lichtenegger | Long           | McCaherty    |
| McGhee    | Molendorp   | Nance        | Neth           | Nolte        |
| Parkinson | Phillips    | Pollock      | Redmon         | Riddle       |
| Rowland   | Ruzicka     | Sater        | Schad          | Scharnhorst  |
| Schatz    | Schieber    | Schneider    | Schoeller      | Shumake      |
| Silvey    | Smith 150   | Solon        | Sommer         | Thomson      |
| Torpey    | Wallingford | Wells        | Weter          | White        |
| Wieland   | Wright      | Wyatt        |                |              |

NOES: 053

|          |           |             |          |               |
|----------|-----------|-------------|----------|---------------|
| Anders   | Atkins    | Aull        | Black    | Brown 50      |
| Carlson  | Carter    | Casey       | Colona   | Conway 27     |
| Ellinger | Ellington | Fallert     | Harris   | Hodges        |
| Holsman  | Hubbard   | Hummel      | Jones 63 | Kander        |
| Kelly 24 | Kirkton   | Kratky      | Lampe    | McCann Beatty |
| McCreery | McDonald  | McGeoghegan | McManus  | McNeil        |

|             |            |         |          |           |
|-------------|------------|---------|----------|-----------|
| Meadows     | Montecillo | Morgan  | Newman   | Nichols   |
| Oxford      | Pace       | Pierson | Rizzo    | Schieffer |
| Schupp      | Shively    | Sifton  | Smith 71 | Spreng    |
| Still       | Swearingen | Swinger | Talboy   | Taylor    |
| Walton Gray | Webb       | Webber  |          |           |

PRESENT: 000

ABSENT WITH LEAVE: 022

|         |            |          |            |         |
|---------|------------|----------|------------|---------|
| Barnes  | Cierpiot   | Day      | Denison    | Diehl   |
| Elmer   | Fitzwater  | Franklin | Hughes     | Lasater |
| Lauer   | Loehner    | Marshall | May        | McNary  |
| Nasheed | Quinn      | Reiboldt | Richardson | Stream  |
| Zerr    | Mr Speaker |          |            |         |

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

Which motion was defeated.

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 2, Section 43.265, Line 19, by inserting after all of said line the following:

"195.417. 1. The limits specified in this section shall not apply to any quantity of such product, mixture, or preparation which must be dispensed, sold, or distributed in a pharmacy pursuant to a valid prescription.

2. Within any thirty-day period, no person, **pharmacist, intern pharmacist, or registered pharmacist technician** shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

- (1) The sole active ingredient; or
- (2) One of the active ingredients of a combination drug; or
- (3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection;

in any total amount greater than [nine grams, without regard to the number of transactions] **two and eighty-eight one hundredths grams per transaction. Within any twelve-month period, the total amount of all individual transactions under this subsection shall not exceed an aggregate amount of twenty-three and nine one hundredths grams.**

3. [Within any twenty-four-hour period, no pharmacist, intern pharmacist, or registered pharmacy technician shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

- (1) The sole active ingredient; or
- (2) One of the active ingredients of a combination drug; or
- (3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection;

in any total amount greater than three and six-tenths grams without regard to the number of transactions] **Upon written application of a manufacturer, the department of health and senior services may exempt by rule any product containing any compound, mixture, or preparation containing any detectable quantity of ephedrine,**

phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers from the application of all or any part of this section because the product is proven to not be feasible for the conversion of the active ingredient into methamphetamine or its salts or precursors. For purposes of this subdivision, "proven" includes but is not limited to the fact that the compound, mixture, or preparation releases less than five percent of the active ingredient used for conversion into methamphetamine or its salts or precursors. Upon notification from the state highway patrol that the patrol has probable cause to believe that a product exempted under this subdivision is feasible for the conversion of the active ingredient into methamphetamine or its salts or precursors, the department may issue an emergency rule revoking the exemption for the product pending a full hearing.

4. All packages of any compound, mixture, or preparation containing any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician under section 195.017.

5. Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation as specified in this section in accordance with transmission methods and frequency established by the department by regulation.

6. This section shall supersede and preempt any local ordinances or regulations, including any ordinances or regulations enacted by any political subdivision of the state. This section shall not apply to the sale of any animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.

7. All logs, records, documents, and electronic information maintained for the dispensing of these products shall be open for inspection and copying by municipal, county, and state or federal law enforcement officers whose duty it is to enforce the controlled substances laws of this state or the United States.

8. Within thirty days of June 15, 2005, all persons who dispense or offer for sale pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.

9. Any person who knowingly or recklessly violates this section is guilty of a class A misdemeanor."; and

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

Representative Cox offered **House Substitute Amendment No. 1 for House Amendment No. 2.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 2, Section 43.265, Line 19, by inserting after all of said section and line the following:

"195.246. 1. It is unlawful for any person to possess any methamphetamine precursor drug with the intent to manufacture amphetamine, methamphetamine or any of their analogs.

2. Possession of more than [twenty-four] **fifteen** grams of any methamphetamine precursor drug or combination of methamphetamine precursor drugs shall be prima facie evidence of intent to violate this section. This subsection shall not apply to any practitioner or to any product possessed in the course of a legitimate business.

3. A person who violates this section is guilty of a class D felony.

195.417. 1. The limits specified in this section shall not apply to any quantity of such product, mixture, or preparation which must be dispensed, sold, or distributed in a pharmacy pursuant to a valid prescription.

2. Within any thirty-day period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

- (1) The sole active ingredient; or
- (2) One of the active ingredients of a combination drug; or

(3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection; in any total amount greater than [nine] **seven and one-half** grams, without regard to the number of transactions.

3. Within any twenty-four-hour period, no pharmacist, intern pharmacist, or registered pharmacy technician shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

- (1) The sole active ingredient; or
- (2) One of the active ingredients of a combination drug; or

(3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection; in any total amount greater than three and six-tenths grams without regard to the number of transactions.

4. **Within any twelve-month period, no pharmacist, intern pharmacist, or registered pharmacy technician shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:**

- (1) **The sole active ingredient; or**
- (2) **One of the active ingredients of a combination drug; or**

(3) **A combination of any of the products specified in subdivisions (1) and (2) of this subsection; in any total amount greater than sixty grams without regard to the number of transactions.**

**The monthly and annual purchase limits contained in this section shall include any quantities of such products that are purchased in other states, where such other state is utilizing the same electronic tracking system utilized in this state.**

5. All packages of any compound, mixture, or preparation containing any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician under section 195.017.

[5.] **6. Each pharmacy and pharmacist licensed in this state shall have the discretion to, in good faith, refuse to sell, dispense, or otherwise provide any individual with any methamphetamine precursor drug and such pharmacy shall not be subject to criminal or civil liability for failure to sell, dispense, or otherwise provide such methamphetamine precursor drug.**

7. Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation as specified in this section in accordance with transmission methods and frequency established by the department by regulation.

[6.] **8.** This section shall supersede and preempt any local ordinances or regulations, including any ordinances or regulations enacted by any political subdivision of the state. This section shall not apply to the sale of any animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.

[7.] **9.** All logs, records, documents, and electronic information maintained for the dispensing of these products shall be open for inspection and copying by municipal, county, and state or federal law enforcement officers whose duty it is to enforce the controlled substances laws of this state or the United States.

[8.] **10.** Within thirty days of June 15, 2005, all persons who dispense or offer for sale pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.

[9.] **11.** Any person who knowingly or recklessly violates this section is guilty of a class A misdemeanor.

**195.419. Any person who has been found guilty or pled guilty or nolo contendere to any felony drug crime shall be required to obtain a prescription to purchase, receive, or otherwise acquire any drug or drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers.”; and**

Further amend said bill, Section 650.120, Page 30, Line 81, by inserting after all of said section and line the following:

**“Section 1. In order to protect the privacy interests of persons purchasing controlled substances, the department of public safety shall implement a method of coordination between the MULES system and any electronic tracking system which tracks purchases of controlled substances. If the purchase of a controlled substance is denied due to a felony drug conviction by the purchaser or such purchase would exceed the purchaser's allowable limit, the only notation in the MULES system and electronic tracking system shall be "sale denied" without disclosure of the reason for such denial.”; and**

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

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

|            |                |             |           |              |
|------------|----------------|-------------|-----------|--------------|
| Allen      | Asbury         | Bahr        | Barnes    | Bernskoetter |
| Berry      | Brandom        | Brattin     | Brown 85  | Brown 116    |
| Burlison   | Cauthorn       | Cierpiot    | Conway 14 | Cookson      |
| Cox        | Cross          | Curtman     | Davis     | Day          |
| Denison    | Dieckhaus      | Entlicher   | Fisher    | Fitzwater    |
| Flanigan   | Fraker         | Franz       | Frederick | Fuhr         |
| Funderburk | Gatschenberger | Gosen       | Grisamore | Haefner      |
| Hampton    | Higdon         | Hinson      | Hoskins   | Hough        |
| Houghton   | Johnson        | Jones 89    | Jones 117 | Keeney       |
| Kelley 126 | Klippenstein   | Koenig      | Korman    | Lair         |
| Lant       | Largent        | Leach       | Leara     | Lichtenegger |
| Loehner    | Marshall       | McCaherty   | McGhee    | McNary       |
| Molendorp  | Nance          | Neth        | Nolte     | Parkinson    |
| Phillips   | Pollock        | Redmon      | Reiboldt  | Riddle       |
| Rowland    | Ruzicka        | Sater       | Schad     | Scharnhorst  |
| Schatz     | Schieber       | Schneider   | Schoeller | Shumake      |
| Silvey     | Smith 150      | Solon       | Sommer    | Stream       |
| Thomson    | Torpey         | Wallingford | Wells     | Weter        |
| White      | Wieland        | Wright      | Wyatt     | Zerr         |

NOES: 052

|            |             |          |               |             |
|------------|-------------|----------|---------------|-------------|
| Anders     | Atkins      | Aull     | Black         | Brown 50    |
| Carlson    | Carter      | Casey    | Colona        | Conway 27   |
| Ellinger   | Ellington   | Fallert  | Harris        | Hodges      |
| Holsman    | Hummel      | Jones 63 | Kander        | Kelly 24    |
| Kirkton    | Kratky      | Lampe    | McCann Beatty | McCreery    |
| McDonald   | McGeoghegan | McManus  | McNeil        | Meadows     |
| Montecillo | Morgan      | Nasheed  | Newman        | Nichols     |
| Oxford     | Pace        | Pierson  | Quinn         | Rizzo       |
| Schieffer  | Schupp      | Shively  | Sifton        | Smith 71    |
| Spreng     | Still       | Swinger  | Talboy        | Walton Gray |
| Webb       | Webber      |          |               |             |

PRESENT: 000

ABSENT WITH LEAVE: 016

|            |         |            |            |          |
|------------|---------|------------|------------|----------|
| Crawford   | Diehl   | Dugger     | Elmer      | Franklin |
| Guernsey   | Hubbard | Hughes     | Lasater    | Lauer    |
| Long       | May     | Richardson | Swearingen | Taylor   |
| Mr Speaker |         |            |            |          |

On motion of Representative Cox, **House Substitute Amendment No. 1 for House Amendment No. 2** was adopted by the following vote:

AYES: 096

|              |            |             |           |             |
|--------------|------------|-------------|-----------|-------------|
| Allen        | Asbury     | Aull        | Bahr      | Barnes      |
| Bernskoetter | Berry      | Black       | Brattin   | Brown 50    |
| Brown 116    | Burlison   | Carlson     | Carter    | Casey       |
| Cierpiot     | Colona     | Conway 14   | Conway 27 | Cox         |
| Curtman      | Davis      | Day         | Denison   | Ellinger    |
| Ellington    | Elmer      | Fallert     | Flanigan  | Franz       |
| Frederick    | Funderburk | Grisamore   | Guernsey  | Haefner     |
| Harris       | Hodges     | Holsman     | Hoskins   | Hough       |
| Hummel       | Jones 63   | Jones 89    | Jones 117 | Kander      |
| Keeney       | Kelley 126 | Kirkton     | Koenig    | Lair        |
| Lampe        | Lant       | Largent     | Leach     | Leara       |
| Marshall     | May        | McCaherty   | McDonald  | McGhee      |
| McManus      | McNary     | McNeil      | Meadows   | Molendorp   |
| Morgan       | Nance      | Newman      | Oxford    | Pace        |
| Parkinson    | Pierson    | Pollock     | Reiboldt  | Riddle      |
| Rizzo        | Ruzicka    | Sater       | Schad     | Scharnhorst |
| Schieber     | Schieffer  | Schneider   | Schoeller | Schupp      |
| Shumake      | Smith 150  | Sommer      | Swinger   | Talboy      |
| Thomson      | Torpey     | Walton Gray | Webber    | White       |
| Wieland      |            |             |           |             |

NOES: 046

|              |         |              |               |             |
|--------------|---------|--------------|---------------|-------------|
| Anders       | Atkins  | Brandom      | Brown 85      | Cauthorn    |
| Cookson      | Cross   | Dugger       | Fisher        | Fitzwater   |
| Fuhr         | Gosen   | Hampton      | Higdon        | Hinson      |
| Houghton     | Johnson | Klippenstein | Korman        | Kratky      |
| Lichtenegger | Loehner | Long         | McCann Beatty | McGeoghegan |
| Montecillo   | Nichols | Phillips     | Quinn         | Redmon      |
| Richardson   | Rowland | Schatz       | Shively       | Smith 71    |
| Solon        | Spreng  | Still        | Stream        | Taylor      |
| Wallingford  | Wells   | Weter        | Wright        | Wyatt       |
| Zerr         |         |              |               |             |

PRESENT: 001

Sifton

ABSENT WITH LEAVE: 020

|          |                |            |           |            |
|----------|----------------|------------|-----------|------------|
| Crawford | Dieckhaus      | Diehl      | Entlicher | Fraker     |
| Franklin | Gatschenberger | Hubbard    | Hughes    | Kelly 24   |
| Lasater  | Lauer          | McCreery   | Nasheed   | Neth       |
| Nolte    | Silvey         | Swearingen | Webb      | Mr Speaker |

**HCS SS SCS SB 755, as amended**, was laid over.

**SS SCS SB 633**, relating to scrap metal operators, was taken up by Representative Largent.

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

*House Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 633, Page 1, Line 3 of the Title, by deleting the words “scrap metal operators” and inserting in lieu thereof the words “the department of revenue”; and

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

“32.028. 1. There is hereby created a department of revenue in charge of a director appointed by the governor, by and with the advice and consent of the senate. The department shall collect all taxes and fees payable to the state as provided by law **and may collect, upon referral by a state agency, debts owed to any state agency subject to section 32.420.**

2. The powers, duties and functions of the department of revenue, chapter 32 and others, are transferred by type I transfer to the department of revenue. All powers, duties and function of the collector of revenue are transferred to the director of the department by type I transfer and the position of collector of revenue is abolished.

3. The powers, duties and functions of the state tax commission, chapter 138 and others, are transferred by type III transfer to the department of revenue.

4. All of the powers, duties and functions of the state tax commission relating to administration of the corporation franchise tax, chapter 152, and others, are transferred by type I transfer to the department of revenue; provided, however, that the provision of section 138.430 relating to appeals from decisions of the director of revenue shall apply to these taxes.

5. All the powers, duties and functions of the highway reciprocity commission, chapter 301, are transferred by type II transfer to the department of revenue.

**32.058. For all years beginning after January 1, 2013, notwithstanding the certified mail provisions contained in chapters 32, 140, 142, 143, 144, 147, 148, 149, and 302, the director of revenue may choose to mail any document by first class mail only if at least one notice of deficiency or assessment is sent to the taxpayer via certified mail to the last known address.**

32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection 18 of this section.

3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

4. The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5. The ordinance or order imposing a local sales tax under the local sales tax law shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

6. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. **The director shall retain one percent of the amount of any local sales or use tax collected for cost of collection.** All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

8. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

9. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

10. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

12. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales of motor vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the residence of the purchaser and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

13. Local sales taxes imposed pursuant to the local sales tax law on the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

14. The director of revenue and any of [his] **the director's** deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering [himself] **the director** and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

15. The director of revenue shall annually report on [his] **the director's** management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. [He] **The director** shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales



tax law with a detailed accounting of the source of all funds received by him for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

16. Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by [him] **such person** under the local sales tax law or in the event a determination has been made against [him] **such person** for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

17. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

18. If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.

**32.088. 1. Beginning January 1, 2013, the possession of a statement from the department of revenue stating no tax, applicable to the business seeking to issue or renew its license, is due under chapters 142, 143, 144, 147, and 149, and that no fees are due under section 260.262 or 260.273, shall be a prerequisite to the issuance or renewal of any city or county occupation license or any state license required for conducting any business unless the owner is by law subject at least biennially to a state tax check for purposes of retaining a professional license under sections 168.071, 324.010 and 484.053. The statement of no tax due shall be dated no longer than ninety days before the date of submission for application or renewal of the city or county license.**

**2. Beginning January 1, 2013, in lieu of subsection 1 of this section, the director shall, as soon as practical thereafter, enter into an agreement with any state agency responsible for issuing any state license for conducting any business requiring the agency to provide the director of revenue with the name and Missouri tax identification number of each applicant for licensure within one month of the date the application is filed or at least one month prior to the anticipated renewal of a licensee's license. If such licensee is delinquent on any taxes under chapters 142, 143, 144, 147, and 149, or fees under section 260.262 or 260.273, the director shall then send notice to each such entity and licensee. In the case of such delinquency or failure to file, the licensee's license shall be suspended within ninety days after notice of such delinquency or failure to file, unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. The director of revenue shall, within ten business days of notification to the governmental entity issuing the license that the delinquency has been remedied or arrangements have been made to remedy such delinquency, send written notification to the licensee that the delinquency has been remedied. Tax liability paid in protest or reasonably founded disputes with such liability shall be considered paid for the purposes of this section.**

**32.383. 1. Notwithstanding the provisions of any other law to the contrary, with respect to taxes administered by the department of revenue and imposed in this chapter and chapters 143, 144, and 147, an amnesty from the assessment or payment of all penalties, additions to tax, and interest shall apply with respect to unpaid taxes or taxes due and owing reported and paid in full from August 1, 2012, to October 31, 2012, regardless of whether previously assessed, except for penalties, additions to tax, and interest paid before August 1, 2012. The amnesty shall apply only to state tax liabilities due or due but unpaid on or before December 31, 2011, and shall not extend to any taxpayer who at the time of payment is a party to any criminal investigations**

or to any civil or criminal litigation that is pending in any court of the United States or this state for nonpayment, delinquency, or fraud in relation to any state tax imposed by this state.

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

3. Amnesty shall be granted only to those taxpayers who have applied for amnesty within the period stated in this section, who have filed a tax return for each taxable period for which amnesty is requested, who have paid the entire balance due by October 31, 2012, and who agree to comply with state tax laws for the next eight years from the date of the agreement. No taxpayer shall be entitled to a waiver of any penalty, addition to tax, or interest under this section unless full payment of the tax due is made in accordance with rules established by the director of revenue.

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

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

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

7. All tax payments received as a result of the amnesty program established in this section, other than revenues earmarked by the Constitution of Missouri or this state's statutes, shall be deposited in the state general revenue fund. The department must track all payments received and submit a report, no later than December 31, 2012, to the speaker of the house of representatives and the president pro tem in the senate.

8. The department may promulgate rules or issue administrative guidelines as are necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 1, 2012, shall be invalid and void.

9. This section shall become effective on July 1, 2012, and shall expire on December 31, 2015.

32.385. 1. The director of revenue and the commissioner of administration may jointly enter into a reciprocal collection and offset of indebtedness agreement with the federal government, under which the State will offset from state tax refunds and from payments otherwise due to vendors and contractors providing goods or services to state departments, agencies, or other state agencies non-tax debt owed to the federal government; and the federal government will offset from federal payments to vendors, contractors, and taxpayers debt owed to the state of Missouri.

2. When used in this section, the following words, terms, and phrases are defined as set forth herein:

(1) "Federal official", a unit or official of the federal government charged with the collection of nontax liabilities payable to the federal government under 31 U.S.C. Section 3716, as amended;

(2) "Nontax liability due the state", a liability certified to the director of revenue by a state agency and shall include, but shall not be limited to, fines, fees, penalties, and other nontax assessments imposed by or payable to any state agency that is finally determined to be due and owing;

(3) "Offset agreement", the agreement authorized by this section;

(4) "Person", an individual, partnership, society, association, joint stock company, corporation, public corporation, or any public authority, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity whether appointed by a court or otherwise, and any combination of the foregoing;

(5) "Refund", an amount described as a refund of tax under the provisions of the state tax law that authorized its payment;

(6) "State agency", any department, division, board, commission, office, or other agency of the state of Missouri;

(7) "Vendor payment", any payment, other than a refund, made by the state to any person or entity, and shall include but shall not be limited to any expense reimbursement to an employee of the state; but shall not include a person's salary, wages, or pension.

3. Under the offset agreement, a federal official may:

(1) Certify to the state of Missouri the existence of a person's delinquent nontax liability owed by the person to the federal government;

(2) Request that the state of Missouri withhold any refund and vendor payment to which the person is entitled;

(3) Certify and request the state of Missouri to withhold a refund or vendor payment only if the laws of the United States:

(a) Allow the state of Missouri to enter into a reciprocal agreement with the United States, under which the federal official would be authorized to offset federal payments to collect delinquent tax and nontax debts owed to the state; and

(b) Provide for the payment of the amount withheld to the state;

(4) Retain a portion of the proceeds of any collection setoff as provided under the setoff agreement.

4. Under the offset agreement, a certification by a federal official to the state of Missouri shall include:

(1) The full name of the person and any other names known to be used by the person;

(2) The Social Security number or federal tax identification number;

(3) The amount of the nontax liability; and

(4) A statement that the debt is past due and legally enforceable in the amount certified.

5. If a person for whom a certification is received from a federal official is due a refund of Missouri tax or a vendor payment, the agreement may provide that the state of Missouri shall:

(1) Withhold a refund or vendor payment that is due a person whose name has been certified by a federal official;

(2) In accordance with the provisions of the offset agreement, notify the person of the amount withheld in satisfaction of a liability certified by a federal official;

(3) Pay to the federal official the lesser of:

(a) The entire refund or vendor payment; or

(b) The amount certified; and

(4) Pay any refund or vendor payment in excess of the certified amount to the person.

6. Under the agreement, the director of revenue shall:

(1) Certify to a federal official the existence of a person's delinquent tax or nontax liability due the state owed by the person to any state agency;

(2) Request that the federal official withhold any eligible vendor payment to which the person is entitled; and

(3) Provide for the payment of the amount withheld to the state.

7. A certification by a state agency to the director of revenue and by the director of revenue to the federal official under the offset agreement shall include:

(1) The full name and address of the person and any other names known to be used by the person;

(2) The Social Security number or tax identification number;

(3) The amount of the tax or nontax liability;

(4) A statement that the debt is past due and legally enforceable in the amount certified; and

(5) Any other information required by federal statute or regulation applicable to the collection of the debt by offset of federal payments.

8. Any other provisions of law to the contrary notwithstanding, the director of revenue and the commissioner of administration shall have the authority to enter into reciprocal agreements with any other state which extends a like comity to this state to set off offset from state tax refunds and from payments otherwise due to vendors and contractors providing goods or services to state departments, agencies, or other state agencies nontax debt for debts due the other state that extends a like comity to this state.

32.410. As used in sections 32.410 to 32.460, the following terms shall mean:

(1) "Debt", an amount owed to the state directly or through a state agency, on account of a fee, duty, lease, direct loan, loan insured or guaranteed by the state, rent, service, sale of real or personal property, overpayment, fine, assessment, penalty, restitution, damages, interest, tax, bail bond, forfeiture, reimbursement,

liability owed, an assignment, recovery of costs incurred by the state, or any other source of indebtedness to the state;

(2) "Debtor", an individual, a corporation, a partnership, an unincorporated association, a limited liability company, a trust, an estate, or any other public or private entity, including a state, local, or federal government, or an Indian tribe, that is liable for a debt or against whom there is a claim for a debt;

(3) "Department", the department of revenue;

(4) "State agency", any division, board, commission, office, or other agency of the state of Missouri, including public community college districts and any state or municipal court.

**32.420. 1.** Notwithstanding any other provision of law to the contrary, all state agencies may refer to the department for collection debts owed to them. The department may provide collection services on debts referred to the department by a state agency. This authority shall not supersede the authority granted to the attorney general under section 27.060 or any other statute.

**2.** A referring agency may refer the debt to the department for collection at any time after a debt becomes delinquent and uncontested and the debtor shall have no further administrative appeal of the amount of the debt. Methods and procedures for referral shall be governed by an agreement between the referring agency and the department.

**3.** The collection procedures and remedies under this chapter are in addition to any other procedure or remedy available by law. If the state agency's applicable state or federal law requires the use of a particular remedy or procedure for the collection of a debt, that particular remedy or procedure shall govern the collection of that debt to the extent the procedure or remedy is inconsistent with this chapter.

**4.** The state agency shall send notice to the debtor by United States mail at the debtor's last known address at least twenty days before the debt is referred to the department. The notice shall state the nature and amount of the debt, identify to whom the debt is owed, and inform the debtor of the remedies available under this chapter or the state agency's own procedures.

**32.430. 1.** Except as otherwise provided in this section, the department shall have the authority to use all general remedies afforded creditors of this state in collection of debt as well as any remedies afforded the state agency referring the debt and to the state in general as a creditor. The department shall not have authority to prosecute or defend civil actions on behalf of any other state agency, except as necessary to defend any challenges made to actions under section 140.910 or 143.902 for a debt referred by a state agency or to prosecute an action under subsection 10 of section 140.910.

**2.** In addition to the remedies identified in sections 32.410 to 32.460, the department may use the collection remedies afforded under sections 140.910 and 143.902 in the collection of any state debt referred to the department.

**3.** The department may employ department staff and attorneys, and at the department's discretion, prosecuting attorneys and private collection agencies as authorized in sections 136.150 and 140.850 in seeking collection of debts referred to the department by a state agency.

**32.440. 1.** The department shall add to the amount of debt referred to the department by a state agency the cost of collection which shall be ten percent of the total debt referred by the state agency. The department shall have the same authority to collect the cost of collection as the department has in collecting the debt referred by the state agency.

**2.** The cost of collection shall only be waived when:

(1) Within thirty days after the initial notice to the debtor by the department, the debtor establishes to the department reasonable cause for the failure to pay the debt prior to referral of the debt to the department, enters into an agreement satisfactory to the department to pay the debt in full, and fully abides by the terms of that agreement;

(2) A good faith dispute as to the legitimacy or the amount of the debt exists, and payment is remitted or an agreement satisfactory to the department to pay the debt in full is entered into within thirty days after resolution of the dispute, and the debtor fully abides by the terms of that agreement; or

(3) Collection costs have been added by the state agency and are included in the amount of the referred debt.

**3.** If the department collects an amount less than the total due, the payment shall be applied proportionally to collection costs and the underlying debt unless the department has waived this requirement for

certain categories of debt. Collection costs collected by the department under this section shall be deposited in the general revenue fund.

**32.450.** The department may compromise state debt referred to the department in accordance with section 32.378 and any agreement with the referring agency.

**32.460.** The department and state agencies, including the judiciary, may exchange such information, including the debtor's Social Security number, as is necessary for the successful collection of the state debt referred. The referring agency shall follow all applicable federal and state laws regarding the confidentiality of information and records regarding the debtor. The confidentiality laws applicable to the particular information received and retained by each agency shall apply to the employees of such state agency and to the department when such information has been forwarded to the department.

105.716. 1. Any investigation, defense, negotiation, or compromise of any claim covered by sections 105.711 to 105.726 shall be conducted by the attorney general; provided, that in the case of any claim against the department of conservation, the department of transportation or a public institution which awards baccalaureate degrees, or any officer or employee of such department or such institution, any investigation, defense, negotiation, or compromise of any claim covered by sections 105.711 to 105.726 shall be conducted by legal counsel provided by the respective entity against which the claim is made or which employs the person against whom the claim is made.

In the case of any payment from the state legal expense fund based upon a claim or judgment against the department of conservation, the department of transportation or any officer or employee thereof, the department so affected shall immediately transfer to the state legal expense fund from the department funds a sum equal to the amount expended from the state legal expense fund on its behalf.

2. All persons and entities protected by the state legal expense fund shall cooperate with the attorneys conducting any investigation and preparing any defense under the provisions of sections 105.711 to 105.726 by assisting such attorneys in all respects, including the making of settlements, the securing and giving of evidence, and the attending and obtaining witness to attend hearings and trials. Funds in the state legal expense fund shall not be used to pay claims and judgments against those persons and entities who do not cooperate as required by this subsection.

3. The provisions of sections 105.711 to 105.726 notwithstanding, the attorney general may investigate, defend, negotiate, or compromise any claim covered by sections 105.711 to 105.726 against any public institution which awards baccalaureate degrees whose governing body has declared a state of financial exigency.

4. Notwithstanding the provisions of subsection 2 of section 105.711, funds in the state legal expense fund may be expended prior to the payment of any claim or any final judgment to pay costs of defense, including reasonable attorney's fees for retention of legal counsel, when the attorney general determines that a conflict exists or particular expertise is required, and also to pay for related legal expenses including medical examination fees, expert witness fees, court reporter expenses, travel costs and ancillary legal expenses incurred prior to the payment of a claim or any final judgment.

**5.** Notwithstanding any other provision of law to the contrary, except for payments of less than ten thousand dollars for property damage, no funds shall be expended from the state legal expense fund for settlement of any liability claim except upon the production of a no tax due statement from the department of revenue by the party making claim or having judgment under section 105.711, which shall be satisfied from such fund. If the party is found by the director of revenue to owe a delinquent tax debt to the state of Missouri under the revenue laws of this state, after the payment of attorney's fees and expenses associated with liability of the fund to the party, any remaining funds to be paid to the party from the state legal expense fund shall be offset to satisfy such tax debt before payment is made to the party making claim or having judgment.

**140.910.** 1. In addition to any other remedy provided by law for the collection of delinquent taxes due the state of Missouri, if the director has filed a certificate of lien in the circuit court as provided by section 143.902, 144.380, or 144.690, the director or the director's designee may issue an order directing any person, after the payment of attorney fees and expenses associated with creating the proceeds belonging to, due, or to become due to the taxpayer, to withhold and pay over to the department assets belonging to, due, or to become due the taxpayer. The director or the director's designee shall not issue the administrative garnishment if the taxpayer has entered into a written agreement with the department for an alternative payment arrangement and the taxpayer is in compliance with the agreement.

2. An order entered under this section shall be served on the person or other legal entity either by regular mail or by certified mail, return receipt requested, or may be issued through electronic means, and shall be binding on the employer or other payor two weeks after mailing or electronic issuance of such service. The person or other entity in possession of assets belonging to, due, or to become due the taxpayer may deduct an additional sum not to exceed six dollars per month as reimbursement for costs, except that the total amount withheld shall not exceed the limitations contained in the federal Consumer Credit Protection Act, 15 U.S.C. Section 1673, as amended.

3. A copy of the order shall be mailed to the taxpayer at the taxpayer's last known address. The notice shall advise the taxpayer that the administrative garnishment has commenced and the procedures to contest such garnishment on the grounds that such garnishment is improper due to a mistake of fact by requesting a hearing within thirty days from mailing or electronic issuance of the notice. At such a hearing the certified records of the department shall constitute prima facie evidence that the director's order is valid and enforceable. If a prima facie case is established, the obligor may only assert as a defense mistake as to the identity of the taxpayer, mistake as to payments made, or existence of an alternative payment agreement for which no default has occurred. The taxpayer shall have the burden of proof on such issues. The taxpayer may obtain relief from the garnishment by paying the amount owed.

4. An employer or other payor shall withhold from the earnings or other income of each taxpayer the amount specified in the order. The employer or other payor shall transmit the payments as directed in the order within ten business days of the date the earnings, money due, or other income was payable to the taxpayer. For purposes of this section, "business day" means a day that state offices are open for regular business. The employer or other payor shall, along with the amounts transmitted, provide the date the amount was withheld from the taxpayer.

5. An order issued under subsection 1 of this section shall be a continuing order and shall remain in effect and be binding upon any employer or other payor upon whom it is directed until a further order of the director. The director shall notify an employer or other payor upon whom such an order has been directed whenever the deficiency is paid in full.

6. If the order is served on a person other than an employer or other payor, it shall be a lien against any money belonging to the taxpayer that is in the possession of the person on the date of service. The person other than an employer or other payor shall pay over any assets within ten business days of the service date of the order. A financial institution ordered to surrender an account shall be entitled to collect its normally scheduled account activity surcharges to maintain the account during the period of time the account is garnished. For purposes of this section, the interest of the taxpayer in any joint financial accounts shall be presumed to be equal to all other joint owners.

7. An order issued under subsection 1 of this section shall have priority over any other legal process under state law against the same income or other asset, except that where the other legal process is an order issued under section 452.350, 454.505, or 454.507, the withholding for child support shall have priority.

8. No person who complies with an order entered under this section shall be liable to the taxpayer, or to any other person claiming rights derived from the taxpayer, for wrongful withholding. A person who fails or refuses to withhold or pay the amounts as ordered under this section shall be liable to the state in a sum equal to the value of the wages or property not surrendered, but not to exceed the amount of tax deficiency. The director is hereby authorized to bring an action in circuit court to determine the liability of a person for failure to withhold or pay the amounts as ordered. If a court finds that a violation has occurred, the court may fine the person in an amount not to exceed five hundred dollars. The court may also enter a judgment against the person or other legal entity for the amounts to be withheld or paid, court costs, and reasonable attorney's surcharges.

9. The remedy provided by this section shall be available where the state or any of its political subdivisions is the employer or other payor of the taxpayer in the same manner and to the same extent as where the employer or other payor is a private party.

10. An employer shall not discharge, or refuse to hire or otherwise discipline, an employee as a result of an order to withhold and pay over certain money authorized by this section. If any such employee is discharged within thirty days of the date upon which an order to withhold and pay over certain money is to take effect, there shall arise a rebuttable presumption that such discharge was a result of such order. This presumption shall be overcome only by clear, cogent, and convincing evidence produced by the employer that the employee was not terminated because of the order to withhold and pay over certain money. The director or the director's designee is hereby authorized to bring an action in circuit court to determine whether the discharge constitutes a violation of this subsection. If the court finds that a violation has occurred, the court may enter an order against the employer requiring reinstatement of the employee and may fine the employer in an amount not to exceed five

hundred dollars. Further, the court may enter judgment against the employer for the back wages, costs, attorney's surcharges, and for the amount of taxes that should have been withheld and paid over during the period of time the employee was wrongfully discharged.

11. If a taxpayer for whom an order to withhold has been issued under subsection 1 of this section terminates the taxpayer's employment, the employer shall, within ten days of the termination, notify the department of the termination, shall provide to the department the last known address of the taxpayer, if known to the employer, and shall provide to the department the name and address of the taxpayer's new employer, if known. The director or the director's designee may issue an order to the new employer as provided in subsection 1 of this section.

12. For purposes of this section, "assets" include, but are not limited to, currency, any financial account or other liquid asset, and any income or other periodic form of payment due to a taxpayer regardless of source, including, but not limited to, wages, salaries, commissions, bonuses, workers' compensation benefits, disability benefits, payments pursuant to a pension or a retirement program, and interest.

144.190. 1. If a tax has been incorrectly computed by reason of a clerical error or mistake on the part of the director of revenue, such fact shall be set forth in the records of the director of revenue, and the amount of the overpayment shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.525, and the balance shall be refunded to the person legally obligated to remit the tax, such person's administrators or executors, as provided for in section 144.200.

2. If any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.525, and the balance, with interest as determined by section 32.065, shall be refunded to the person legally obligated to remit the tax, but no such credit or refund shall be allowed unless duplicate copies of a claim for refund are filed within three years from date of overpayment. **If a taxpayer applying for a refund under the provisions of this section submits a written request for the director to hold a refund claim unprocessed pending the outcome of legal proceedings on the same or similar grounds or transactions, and agrees that the taxpayer's claim will be bound by the outcome of such legal proceeding should the outcome of such proceeding be adverse to the taxpayer's position, the director shall hold such refund claim unprocessed pending the outcome of such legal proceedings on the same or similar grounds or transactions. Notwithstanding any provision of section 32.069 to the contrary, interest shall not accrue on any refund for the time period such refund claim is held at the request of the taxpayer applying for a refund under the provisions of this subsection. If the seller did not file a return with the director for the period for which the refund is claimed and remit payment as shown on the return, the director shall not issue the refund to the purchaser.**

3. Every claim for refund must be in writing and signed by the applicant, and must state the specific grounds upon which the claim is founded. Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered in any action brought by the director of revenue against the person legally obligated to remit the tax. In the event that a tax has been illegally imposed against a person legally obligated to remit the tax, the director of revenue shall authorize the cancellation of the tax upon the director's record.

4. **Notwithstanding the provisions of section 32.057, a purchaser that originally paid sales or use tax to a vendor or seller may submit a refund claim directly to the director of revenue for such sales or use taxes paid to such vendor or seller and remitted to the director, provided no sum shall be refunded more than once, any such claim shall be subject to any offset, defense, or other claim the director otherwise would have against either the purchaser or vendor or seller, and such claim for refund is accompanied by either:**

(1) **A notarized assignment of rights statement by the vendor or seller to the purchaser allowing the purchaser to seek the refund on behalf of the vendor or seller. An assignment of rights statement shall contain the Missouri sales or use tax registration number of the vendor or seller, a list of the transactions covered by the assignment, the tax periods and location for which the original sale was reported to the director of revenue by the vendor or seller, and a notarized statement signed by the vendor or seller affirming that the vendor or seller has not received a refund or credit, will not apply for a refund or credit of the tax collected on any transactions covered by the assignment, and authorizes the director to amend the seller's return to reflect the refund; or**

(2) **In the event the vendor or seller fails or refuses to provide an assignment of rights statement within sixty days from the date of such purchaser's written request to the vendor or seller, or the purchaser is not able to locate the vendor or seller or the vendor or seller is no longer in business, the purchaser may provide the director a notarized statement confirming the efforts that have been made to obtain an assignment of rights from the vendor or seller. Such statement shall contain a list of the transactions covered by the assignment, the tax periods and location for which the original sale was reported to the director of revenue by the vendor or seller.**

The director shall not require such vendor, seller, or purchaser to submit amended returns for refund claims submitted under the provisions of this subsection. Notwithstanding the provisions of section 32.057, if the seller is registered with the director for collection and remittance of sales tax, the director shall notify the seller at the seller's last known address of the claim for refund. If the seller objects to the refund within thirty days of the date of the notice, the director shall not pay the refund. If the seller agrees that the refund is warranted or fails to respond within thirty days, the director may issue the refund and amend the seller's return to reflect the refund. For purposes of section 32.069, the refund claim shall not be considered to have been filed until the seller agrees that the refund is warranted or thirty days after the date the director notified the seller and the seller failed to respond.

5. Notwithstanding the provisions of section 32.057, when a vendor files a refund claim on behalf of a purchaser and such refund claim is denied by the director, notice of such denial and the reason for the denial shall be sent by the director to the vendor and each purchaser whose name and address is submitted with the refund claim form filed by the vendor. A purchaser shall be entitled to appeal the denial of the refund claim within sixty days of the date such notice of denial is mailed by the director as provided in section 144.261. The provisions of this subsection shall apply to all refund claims filed after August 28, 2012. The provisions of this subsection allowing a purchaser to appeal the director's decision to deny a refund claim shall also apply to any refund claim denied by the director on or after January 1, 2007, if an appeal of the denial of the refund claim is filed by the purchaser no later than September 28, 2012, and if such claim is based solely on the issue of the exemption of the electronic transmission or delivery of computer software.

6. Notwithstanding the provisions of this section, the director of revenue shall authorize direct-pay agreements to purchasers which have annual purchases in excess of seven hundred fifty thousand dollars pursuant to rules and regulations adopted by the director of revenue. For the purposes of such direct-pay agreements, the taxes authorized pursuant to chapters 66, 67, 70, 92, 94, 162, 190, 238, 321, and 644 shall be remitted based upon the location of the place of business of the purchaser.

[5.] 7. Special rules applicable to error corrections requested by customers of mobile telecommunications service are as follows:

(1) For purposes of this subsection, the terms "customer", "home service provider", "place of primary use", "electronic database", and "enhanced zip code" shall have the same meanings as defined in the Mobile Telecommunications Sourcing Act incorporated by reference in section 144.013;

(2) Notwithstanding the provisions of this section, if a customer of mobile telecommunications services believes that the amount of tax, the assignment of place of primary use or the taxing jurisdiction included on a billing is erroneous, the customer shall notify the home service provider, in writing, within three years from the date of the billing statement. The customer shall include in such written notification the street address for the customer's place of primary use, the account name and number for which the customer seeks a correction of the tax assignment, a description of the error asserted by the customer and any other information the home service provider reasonably requires to process the request;

(3) Within sixty days of receiving the customer's notice, the home service provider shall review its records and the electronic database or enhanced zip code to determine the customer's correct taxing jurisdiction. If the home service provider determines that the review shows that the amount of tax, assignment of place of primary use or taxing jurisdiction is in error, the home service provider shall correct the error and, at its election, either refund or credit the amount of tax erroneously collected to the customer for a period of up to three years from the last day of the home service provider's sixty-day review period. If the home service provider determines that the review shows that the amount of tax, the assignment of place of primary use or the taxing jurisdiction is correct, the home service provider shall provide a written explanation of its determination to the customer.

[6.] 8. For all refund claims submitted to the department of revenue on or after September 1, 2003, notwithstanding any provision of this section to the contrary, if a person legally obligated to remit the tax levied pursuant to sections 144.010 to 144.525 has received a refund of such taxes for a specific issue and submits a subsequent claim for refund of such taxes on the same issue for a tax period beginning on or after the date the original refund check issued to such person, no refund shall be allowed. This subsection shall not apply and a refund shall be allowed if an additional refund claim is filed due to any of the following:

- (1) Receipt of additional information or an exemption certificate from the purchaser of the item at issue;
- (2) A decision of a court of competent jurisdiction or the administrative hearing commission; or
- (3) Changes in regulations or policy by the department of revenue.

[7.] 9. Notwithstanding any provision of law to the contrary, the director of revenue shall respond to a request for a binding letter ruling filed in accordance with section 536.021 within sixty days of receipt of such request. If the director of revenue fails to respond to such letter ruling request within sixty days of receipt by the director, the director



of revenue shall be barred from pursuing collection of any assessment of sales or use tax with respect to the issue which is the subject of the letter ruling request. For purposes of this subsection, the term "letter ruling" means a written interpretation of law by the director to a specific set of facts provided by a specific taxpayer or his or her agent.

[8.] 10. If any tax was paid more than once, was incorrectly collected, or was incorrectly computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.510, against any deficiency or tax due discovered through an audit of the person by the department of revenue through adjustment during the same tax filing period for which the audit applied.”; and

Further amend said bill, Page 4, Section 301.227, Line 112, by inserting after all of said section, the following:

“Section B. Because immediate action is necessary to secure adequate state revenue, the enactment of section 32.383 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 32.383 of this act shall be in full force and effect upon its passage and approval.”; and

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

Representative 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    | Cookson   | Cox          |
| Cross          | Curtman      | Davis       | Day       | Dugger       |
| Elmer          | Entlicher    | Fisher      | Fitzwater | Flanigan     |
| Fraker         | Franz        | Frederick   | Fuhr      | Funderburk   |
| Gatschenberger | Gosen        | Grisamore   | Guernsey  | Haefner      |
| Hampton        | Higdon       | Hinson      | Hoskins   | Hough        |
| Houghton       | Johnson      | Jones 89    | Jones 117 | Keeney       |
| Kelley 126     | Klippenstein | Koenig      | Korman    | Lair         |
| Lant           | Largent      | Leach       | Leara     | Lichtenegger |
| Loehner        | Long         | Marshall    | McCaherty | Molendorp    |
| Nance          | Parkinson    | Phillips    | Pollock   | Redmon       |
| Reiboldt       | Richardson   | Riddle      | Rowland   | Ruzicka      |
| Sater          | Schad        | Scharnhorst | Schatz    | Schieber     |
| Schneider      | Schoeller    | Shumake     | Silvey    | Smith 150    |
| Solon          | Sommer       | Stream      | Thomson   | Torpey       |
| Wallingford    | Weter        | White       | Wieland   | Wright       |
| Wyatt          | Zerr         |             |           |              |

NOES: 050

|             |         |          |               |            |
|-------------|---------|----------|---------------|------------|
| Anders      | Atkins  | Aull     | Black         | Brown 50   |
| Carlson     | Carter  | Casey    | Conway 27     | Ellinger   |
| Ellington   | Fallert | Harris   | Hodges        | Holsman    |
| Hubbard     | Hummel  | Jones 63 | Kander        | Kelly 24   |
| Kirkton     | Kratky  | Lampe    | McCann Beatty | McDonald   |
| McGeoghegan | McManus | McNeil   | Meadows       | Montecillo |
| Morgan      | Nichols | Oxford   | Pace          | Pierson    |

2481 *Journal of the House*

|         |          |           |             |            |
|---------|----------|-----------|-------------|------------|
| Quinn   | Rizzo    | Schieffer | Schupp      | Shively    |
| Sifton  | Smith 71 | Spreng    | Still       | Swearingen |
| Swinger | Talboy   | Taylor    | Walton Gray | Webber     |

PRESENT: 000

ABSENT WITH LEAVE: 021

|            |           |          |         |           |
|------------|-----------|----------|---------|-----------|
| Colona     | Conway 14 | Crawford | Denison | Dieckhaus |
| Diehl      | Franklin  | Hughes   | Lasater | Lauer     |
| May        | McCreery  | McGhee   | McNary  | Nasheed   |
| Neth       | Newman    | Nolte    | Webb    | Wells     |
| Mr Speaker |           |          |         |           |

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

On motion of Representative Largent, **SS SCS SB 633, as amended**, was read the third time and passed by the following vote:

AYES: 139

|             |            |                |              |               |
|-------------|------------|----------------|--------------|---------------|
| Allen       | Anders     | Asbury         | Atkins       | Aull          |
| Bahr        | Barnes     | Bernskoetter   | Berry        | Black         |
| Brandom     | Brattin    | Brown 50       | Brown 85     | Brown 116     |
| Burlison    | Carlson    | Casey          | Cauthorn     | Cierpiot      |
| Colona      | Conway 27  | Cookson        | Cox          | Cross         |
| Curtman     | Davis      | Day            | Dieckhaus    | Dugger        |
| Ellinger    | Ellington  | Elmer          | Entlicher    | Fallert       |
| Fisher      | Fitzwater  | Flanigan       | Fraker       | Franz         |
| Frederick   | Funderburk | Gatschenberger | Grisamore    | Guernsey      |
| Haefner     | Hampton    | Harris         | Higdon       | Hinson        |
| Hodges      | Holsman    | Hoskins        | Hough        | Houghton      |
| Hubbard     | Hummel     | Johnson        | Jones 63     | Jones 89      |
| Jones 117   | Kander     | Keeney         | Kirkton      | Klippenstein  |
| Koenig      | Korman     | Kratky         | Lair         | Lampe         |
| Largent     | Leach      | Leara          | Lichtenegger | Loehner       |
| Long        | Marshall   | May            | McCaherty    | McCann Beatty |
| McGeoghegan | McGhee     | McManus        | McNeil       | Meadows       |
| Molendorp   | Montecillo | Morgan         | Nance        | Nasheed       |
| Neth        | Newman     | Nichols        | Oxford       | Pace          |
| Parkinson   | Phillips   | Pierson        | Pollock      | Quinn         |
| Redmon      | Richardson | Riddle         | Rizzo        | Rowland       |
| Ruzicka     | Sater      | Scharnhorst    | Schieber     | Schieffer     |
| Schoeller   | Schupp     | Shively        | Shumake      | Sifton        |
| Silvey      | Smith 71   | Smith 150      | Solon        | Sommer        |
| Still       | Stream     | Swearingen     | Swinger      | Talboy        |
| Taylor      | Thomson    | Torpey         | Wallingford  | Walton Gray   |
| Webb        | Webber     | Wells          | Weter        | White         |
| Wieland     | Wright     | Wyatt          | Zerr         |               |

NOES: 001

Carter

PRESENT: 000

ABSENT WITH LEAVE: 023

|           |          |            |            |          |
|-----------|----------|------------|------------|----------|
| Conway 14 | Crawford | Denison    | Diehl      | Franklin |
| Fuhr      | Gosen    | Hughes     | Kelley 126 | Kelly 24 |
| Lant      | Lasater  | Lauer      | McCreery   | McDonald |
| McNary    | Nolte    | Reiboldt   | Schad      | Schatz   |
| Schneider | Spreng   | Mr Speaker |            |          |

Representative Funderburk declared the bill passed.

### **BILL CARRYING REQUEST MESSAGE**

**HCS SB 813, as amended**, relating to financial transactions, was taken up by Representative Dieckhaus.

Representative Dieckhaus moved that the House refuse to recede from its position on **HCS SB 813, as amended**, and grant the Senate a conference.

Which motion was adopted.

### **APPOINTMENT OF CONFERENCE COMMITTEE**

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

**HCS SB 813:** Representatives Richardson, Franz, Dieckhaus, McCann Beatty and Rizzo

### **HOUSE BILL WITH SENATE AMENDMENTS**

**SS HB 1318, as amended**, relating to mental health facility employees, was taken up by Representative Riddle.

Representative Riddle moved that the House refuse to adopt **SS HB 1318, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

On motion of Representative Jones (89), the House recessed until 6:30 p.m.

## EVENING SESSION

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

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 12**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 22**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 25**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 31**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 42**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 43**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 46**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 49**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has take up and passed **HB 1131**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HB 1135, as amended**, and has taken up and passed **CCS SCS HB 1135**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SS#2 SCS HB 1170, as amended**: Senators Parson, Schmitt, Mayer, Callahan and Green.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HB 1251**, entitled:

An act to repeal sections 59.319, 60.510, 60.530, 60.540, 60.560, 60.570, 60.580, 60.590, 60.595, 60.610, 60.620, 67.4505, 259.010, 259.020, 259.030, 259.040, 259.070, 260.255, 260.330, 260.392, 292.606, 301.010, 304.120, 414.530, 414.560, 414.570, 577.073, 621.250, 640.018, 640.100, 643.130, 643.225, 644.016, 644.026, 644.051, 644.071, 644.145, and 650.230, RSMo, and to enact in lieu thereof forty new sections relating to natural resources, with existing penalty provisions and an emergency clause for a certain section.

With Senate Amendment No. 1, Senate Amendment No. 2 and Senate Amendment No. 3.

*Senate Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 1251, Page 2, Section 29.380, Line 10, by inserting at the end of said line the following:

**"The state auditor may request reimbursement from the district for the costs of conducting the audit."**

*Senate Amendment No. 2*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 1251, Page 112, Section 650.230, Line 23 of said page, by inserting immediately after said line the following:

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

- (1) "Anemometer", an instrument for measuring and recording the speed of the wind;**
- (2) "Anemometer tower", a structure, including all guy wires and accessory facilities, that has been constructed solely for the purpose of mounting an anemometer to document whether a site has wind resources sufficient for the operation of a wind turbine generator;**
- (3) "Area surrounding the anchor point", an area not less than sixty-four square feet whose outer boundary is at least four feet from the anchor point.**

**2. Any anemometer tower that is fifty feet in height above the ground or higher that is located outside the exterior boundaries of any municipality, and whose appearance is not otherwise mandated by state or federal law, shall be marked, painted, flagged, or otherwise constructed to be recognizable in clear air during daylight hours. Any anemometer tower that was erected before August 28, 2012, shall be marked as required in this section by January 1, 2014. Any anemometer tower that is erected on or after August 28, 2012, shall be marked as required in this section at the time it is erected. Marking required under this section includes marking the anemometer tower, guy wires, and accessory facilities as follows:**

**(1) The top one-third of the anemometer tower shall be painted in equal, alternating bands of aviation orange and white, beginning with orange at the top of the tower and ending with orange at the bottom of the marked portion of the tower;**

**(2) Two marker balls shall be attached to and evenly spaced on each of the outside guy wires;**

**(3) The area surrounding each point where a guy wire is anchored to the ground shall have a contrasting appearance with any surrounding vegetation. If the adjacent land is grazed, the area surrounding the anchor point shall be fenced; and**

**(4) One or more seven-foot safety sleeves shall be placed at each anchor point and shall extend from the anchor point along each guy wire attached to the anchor point.**

**3. A violation of this section is a class B misdemeanor."; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 3*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 1251, Page 23, Section 260.330, Line 13 of said page, by striking the following: "2015" and inserting in lieu thereof the following:

"**2017**"; and

Further amend Line 21 of said page, by striking the following: "2015" and inserting in lieu thereof the following:

"**2017**"; and

Further amend said bill and section, Page 25, Line 9 of said page, by striking the following: "2015" and inserting in lieu thereof the following:

"**2017**"; and

Further amend Line 17 of said page, by striking the following: "2015" and inserting in lieu thereof the following:

"**2017**".

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS HB 1318, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Kehoe, Munzlinger, Richard, McKenna and Chappelle-Nadal.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 1644**, entitled:

An act to repeal section 313.807, RSMo, and to enact in lieu thereof one new section relating to the licensing period for certain licenses issued by the Missouri gaming commission.

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

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

AMEND Senate Amendment No. 1 to House Committee Substitute for House Bill No. 1644, Page 1, Line 3, by striking the word "three" and inserting in lieu thereof the following:

"**Four**".

*Senate Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1644, Page 2, Section 313.807, Line 21, by striking the word “five” and inserting in lieu thereof “**three**”.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HCS HB 1647**, entitled:

An act to repeal sections 259.010, 259.020, 259.030, 259.040, 259.070, 260.392, 292.606, 301.010, 320.106, 320.131, 320.136, 414.530, 414.560, 414.570, and 650.230, RSMo, and to enact in lieu thereof seventeen new sections relating to public safety, with an emergency clause for certain sections.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 1 to Senate Amendment No. 3, Senate Amendment No. 3, as amended, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 8 and Senate Amendment No. 9.

*Senate Amendment No. 1*

AMEND Senate Substitute for House Committee Substitute for House Bill No. 1647, Page 54, Section 650.230, Line 27 of said page, by inserting immediately after said line the following:

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

- (1) "Anemometer", an instrument for measuring and recording the speed of the wind;**
- (2) "Anemometer tower", a structure, including all guy wires and accessory facilities, that has been constructed solely for the purpose of mounting an anemometer to document whether a site has wind resources sufficient for the operation of a wind turbine generator;**
- (3) "Area surrounding the anchor point", an area not less than sixty-four square feet whose outer boundary is at least four feet from the anchor point.**

**2. Any anemometer tower that is fifty feet in height above the ground or higher that is located outside the exterior boundaries of any municipality, and whose appearance is not otherwise mandated by state or federal law, shall be marked, painted, flagged, or otherwise constructed to be recognizable in clear air during daylight hours. Any anemometer tower that was erected before August 28, 2012, shall be marked as required in this section by January 1, 2014. Any anemometer tower that is erected on or after August 28, 2012, shall be marked as required in this section at the time it is erected. Marking required under this section includes marking the anemometer tower, guy wires, and accessory facilities as follows:**

- (1) The top one-third of the anemometer tower shall be painted in equal, alternating bands of aviation orange and white, beginning with orange at the top of the tower and ending with orange at the bottom of the marked portion of the tower;**
- (2) Two marker balls shall be attached to and evenly spaced on each of the outside guy wires;**
- (3) The area surrounding each point where a guy wire is anchored to the ground shall have a contrasting appearance with any surrounding vegetation. If the adjacent land is grazed, the area surrounding the anchor point shall be fenced; and**
- (4) One or more seven-foot safety sleeves shall be placed at each anchor point and shall extend from the anchor point along each guy wire attached to the anchor point.**

**3. A violation of this section is a class B misdemeanor."; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 2*

AMEND Senate Substitute for House Committee Substitute for House Bill No. 1647, Page 51, Section 414.570, Line 26, by inserting immediately after said line, the following:

"571.020. 1. A person commits a crime if such person knowingly possesses, manufactures, transports, repairs, or sells:

- (1) An explosive weapon;
- (2) An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;
- (3) A gas gun;
- (4) [A switchblade knife;
- (5)] A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or
- [(6)] **(5)** Knuckles; or
- [(7)] **(6)** Any of the following in violation of federal law:
  - (a) A machine gun;
  - (b) A short-barreled rifle or shotgun; [or]
  - (c) A firearm silencer; **or**
  - (d) A switchblade knife.**

2. A person does not commit a crime pursuant to this section if his conduct involved any of the items in subdivisions (1) to [(6)] **(5)** of subsection 1, the item was possessed in conformity with any applicable federal law, and the conduct:

- (1) Was incident to the performance of official duty by the armed forces, national guard, a governmental law enforcement agency, or a penal institution; or
- (2) Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in subdivision (1) of this section; or
- (3) Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or
- (4) Was incident to displaying the weapon in a public museum or exhibition; or
- (5) Was incident to using the weapon in a manner reasonably related to a lawful dramatic performance.

3. A crime pursuant to subdivision (1), (2), (3) or [(7)] **(6)** of subsection 1 of this section is a class C felony; a crime pursuant to subdivision (4)[,] **or** (5) [or (6)] of subsection 1 of this section is a class A misdemeanor.

571.030. 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

- (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or
- (2) Sets a spring gun; or
- (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or
- (4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
- (5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense;
- (6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or
- (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or
- (8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or
- (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or



(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 11 of this section, and who carry the identification defined in subsection 12 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the armed forces or national guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921 regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340;

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney who has completed the firearms safety training course required under subsection 2 of section 571.111; and

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of age or older **or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces**, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any

school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

8. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

9. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

10. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

11. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

12. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.

**571.037. Any person who has a valid concealed carry endorsement, and who is lawfully carrying a firearm in a concealed manner, may briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.**

**571.092. 1. Any individual who has been adjudged incapacitated under chapter 475, who has been involuntarily committed under chapter 632, or who is otherwise subject to the firearms-related disabilities of 18 U.S.C. Section 922(d)(4) or (g)(4) as a result of an adjudication or commitment that occurred in this state may file a petition for the removal of the disqualification to ship, transport, receive, purchase, possess, or transfer a firearm imposed under 18 U.S.C. Section 922(d)(4) or (g)(4) and the laws of this state.**

**2. The petition shall be filed in the circuit court with jurisdiction in the petitioner's place of residence or that entered the letters of guardianship or the most recent order for involuntary commitment, or the most recent disqualifying order, whichever is later. The petition shall include:**

- (1) The circumstances regarding the firearms disabilities;**
- (2) The applicant's record which at a minimum shall include the applicant's mental health and criminal history records, if any;**
- (3) The applicant's reputation through character witness statements, testimony, or other character evidence; and**
- (4) Any other information or evidence relevant to the relief sought, including but not limited to evidence concerning any changes in the petitioner's condition since the disqualifying commitment or adjudication occurred.**

**Upon receipt of the petition, the clerk shall schedule a hearing and provide notice of the hearing to the petitioner.**

**3. The court shall grant the requested relief if it finds by clear and convincing evidence that:**

- (1) The petitioner will not be likely to act in a manner dangerous to public safety; and**
- (2) Granting the relief is not contrary to the public interest.**

**4. In order to determine whether to grant relief under this section, the court may request the local prosecuting attorney, circuit attorney, or attorney general to provide a written recommendation as to whether relief should be granted. In any order requiring such review the court may grant access to any and all mental health records, juvenile records, and criminal history of the petitioner wherever maintained. The court may allow presentation of evidence at the hearing if requested by the petitioner or by the local prosecuting attorney, circuit attorney, or attorney general. A record shall be kept of the proceedings.**

**5. If the petitioner is filing the petition as a result of an involuntary commitment under chapter 632, the hearing and records shall be closed to the public, unless the court finds that public interest would be better served by conducting the hearing in public. If the court determines the hearing should be open to the public, upon motion by the petitioner, the court may allow for the in-camera inspection of mental health records. The court may allow the use of the record but shall restrict it from public disclosure, unless it finds that the public interest would be better served by making the record public.**

**6. The court shall include in its order the specific findings of fact on which it bases its decision.**

**7. Upon a judicial determination to grant a petition under this section, the clerk in the county where the petition was granted shall forward the order to the Missouri state highway patrol for updating of the petitioner's record with the National Instant Criminal Background Check System (NICS). The Missouri state highway patrol shall contact the Federal Bureau of Investigation to effect this updating no later than twenty-one days from receipt of the order.**

**8. Any person who has been denied a petition for the removal of the disqualification to ship, transport, receive, purchase, possess, or transfer a firearm under this section shall not be eligible to file another petition for removal of such disqualification until the expiration of one year from the date of such denial.**

**9. In the event a petition is denied under this section, the petitioner may appeal such denial, and review shall be de novo.**

**571.101. 1. All applicants for concealed carry endorsements issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a certificate of qualification for a concealed carry endorsement. Upon receipt of such certificate, the certificate holder shall apply for a driver's license or nondriver's license with the director of revenue in order to obtain a concealed carry endorsement. Any person who has been issued a concealed carry endorsement on a driver's license or nondriver's license and such endorsement or license has not been suspended, revoked, cancelled, or denied may carry concealed firearms on or about his or her person or within a vehicle. A concealed carry endorsement shall be valid for a period of three years from the date of issuance or renewal. The concealed carry endorsement is valid throughout this state.**

**2. A certificate of qualification for a concealed carry endorsement issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:**

- (1) Is at least twenty-one years of age, is a citizen of the United States and either:
    - (a) Has assumed residency in this state; or
    - (b) Is a member of the armed forces stationed in Missouri, or the spouse of such member of the military;
  - (2) **Is at least twenty-one years of age, or is at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and either:**
    - (a) Has assumed residency in this state;**
    - (b) Is a member of the armed forces stationed in Missouri; or**
    - (c) The spouse of such member of the military stationed in Missouri and twenty-one years of age;**
    - (3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;
  - [(3)] (4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement;
  - [(4)] (5) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;
  - [(5)] (6) Has not been discharged under dishonorable conditions from the United States armed forces;
  - [(6)] (7) Has not engaged in a pattern of behavior, documented in public records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;
  - [(7)] (8) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;
  - [(8)] (9) Submits a completed application for a certificate of qualification as described in subsection 3 of this section;
  - [(9)] (10) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;
  - [(10)] (11) Is not the respondent of a valid full order of protection which is still in effect.
3. The application for a certificate of qualification for a concealed carry endorsement issued by the sheriff of the county of the applicant's residence shall contain only the following information:
- (1) The applicant's name, address, telephone number, gender, and date and place of birth;
  - (2) An affirmation that the applicant has assumed residency in Missouri or is a member of the armed forces stationed in Missouri or the spouse of such a member of the armed forces and is a citizen of the United States;
  - (3) An affirmation that the applicant is at least twenty-one years of age **or is eighteen years of age or older and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces;**
  - (4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;
  - (5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement;
  - (6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States armed forces;

(8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;

(9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

(10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect; and

(11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury pursuant to the laws of the state of Missouri.

4. An application for a certificate of qualification for a concealed carry endorsement shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a certificate of qualification for a concealed carry endorsement must also submit the following:

(1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; and

(2) A nonrefundable certificate of qualification fee as provided by subsection 10 or 11 of this section.

5. Before an application for a certificate of qualification for a concealed carry endorsement is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a certificate of qualification for a concealed carry endorsement, the applicant shall be fingerprinted. The sheriff shall request a criminal background check through the appropriate law enforcement agency within three working days after submission of the properly completed application for a certificate of qualification for a concealed carry endorsement. If no disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon receipt of the completed background check, the sheriff shall issue a certificate of qualification for a concealed carry endorsement within three working days. The sheriff shall issue the certificate within forty-five calendar days if the criminal background check has not been received, provided that the sheriff shall revoke any such certificate and endorsement within twenty-four hours of receipt of any background check that results in a disqualifying record, and shall notify the department of revenue.

6. The sheriff may refuse to approve an application for a certificate of qualification for a concealed carry endorsement if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

7. If the application is approved, the sheriff shall issue a certificate of qualification for a concealed carry endorsement to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the certificate of qualification in the presence of the sheriff or his or her designee and shall within seven days of receipt of the certificate of qualification take the certificate of qualification to the department of revenue. Upon verification of the certificate of qualification and completion of a driver's license or nondriver's license application pursuant to chapter 302, the director of revenue shall issue a new driver's license or nondriver's license with an endorsement which identifies that the applicant has received a certificate of qualification to carry concealed weapons issued pursuant to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's license or nondriver's license. Notwithstanding any other provision of chapter 302, a nondriver's license with a concealed carry endorsement shall expire three years from the date the certificate of qualification was issued pursuant to this section.

The requirements for the director of revenue to issue a concealed carry endorsement pursuant to this subsection shall not be effective until July 1, 2004, and the certificate of qualification issued by a county sheriff pursuant to subsection 1 of this section shall allow the person issued such certificate to carry a concealed weapon pursuant to the requirements of subsection 1 of section 571.107 in lieu of the concealed carry endorsement issued by the director of revenue from October 11, 2003, until the concealed carry endorsement is issued by the director of revenue on or after July 1, 2004, unless such certificate of qualification has been suspended or revoked for cause.

8. The sheriff shall keep a record of all applications for a certificate of qualification for a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance of a certificate of qualification to the Missouri uniform law enforcement system. All information on any such certificate that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a certificate of qualification or a concealed carry endorsement shall not be public information and shall be considered personal protected information. Any person who violates the provisions of this subsection by disclosing protected information shall be guilty of a class A misdemeanor.

9. Information regarding any holder of a certificate of qualification or a concealed carry endorsement is a closed record.

10. For processing an application for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

11. For processing a renewal for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

12. For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county.

571.111. 1. An applicant for a concealed carry endorsement shall demonstrate knowledge of firearms safety training. This requirement shall be fully satisfied if the applicant for a concealed carry endorsement:

(1) Submits a photocopy of a certificate of firearms safety training course completion, as defined in subsection 2 of this section, signed by a qualified firearms safety instructor as defined in subsection 5 of this section; or

(2) Submits a photocopy of a certificate that shows the applicant completed a firearms safety course given by or under the supervision of any state, county, municipal, or federal law enforcement agency; or

(3) Is a qualified firearms safety instructor as defined in subsection 5 of this section; or

(4) Submits proof that the applicant currently holds any type of valid peace officer license issued under the requirements of chapter 590; or

(5) Submits proof that the applicant is currently allowed to carry firearms in accordance with the certification requirements of section 217.710; or

(6) Submits proof that the applicant is currently certified as any class of corrections officer by the Missouri department of corrections and has passed at least one eight-hour firearms training course, approved by the director of the Missouri department of corrections under the authority granted to him or her by section 217.105, that includes instruction on the justifiable use of force as prescribed in chapter 563; or

**(7) Submits a photocopy of a certificate of firearms safety training course completion that was issued on August 27, 2011, or earlier so long as the certificate met the requirements of subsection 2 of this section that were in effect on the date it was issued.**

2. A certificate of firearms safety training course completion may be issued to any applicant by any qualified firearms safety instructor. On the certificate of course completion the qualified firearms safety instructor shall affirm that the individual receiving instruction has taken and passed a firearms safety course of at least eight hours in length taught by the instructor that included:

(1) Handgun safety in the classroom, at home, on the firing range and while carrying the firearm;

(2) A physical demonstration performed by the applicant that demonstrated his or her ability to safely load and unload a revolver and a semiautomatic pistol and demonstrated his or her marksmanship with both;

(3) The basic principles of marksmanship;

(4) Care and cleaning of concealable firearms;

(5) Safe storage of firearms at home;

(6) The requirements of this state for obtaining a certificate of qualification for a concealed carry endorsement from the sheriff of the individual's county of residence and a concealed carry endorsement issued by the department of revenue;

- (7) The laws relating to firearms as prescribed in this chapter;
  - (8) The laws relating to the justifiable use of force as prescribed in chapter 563;
  - (9) A live firing exercise of sufficient duration for each applicant to fire both a revolver and a semiautomatic pistol, from a standing position or its equivalent, a minimum of fifty rounds from each handgun at a distance of seven yards from a B-27 silhouette target or an equivalent target;
  - (10) A live fire test administered to the applicant while the instructor was present of twenty rounds from each handgun from a standing position or its equivalent at a distance from a B-27 silhouette target, or an equivalent target, of seven yards.
3. A qualified firearms safety instructor shall not give a grade of passing to an applicant for a concealed carry endorsement who:
- (1) Does not follow the orders of the qualified firearms instructor or cognizant range officer; or
  - (2) Handles a firearm in a manner that, in the judgment of the qualified firearm safety instructor, poses a danger to the applicant or to others; or
  - (3) During the live fire testing portion of the course fails to hit the silhouette portion of the targets with at least fifteen rounds, with both handguns.
4. Qualified firearms safety instructors who provide firearms safety instruction to any person who applies for a concealed carry endorsement shall:
- (1) Make the applicant's course records available upon request to the sheriff of the county in which the applicant resides;
  - (2) Maintain all course records on students for a period of no less than four years from course completion date; and
  - (3) Not have more than forty students in the classroom portion of the course or more than five students per range officer engaged in range firing.
5. A firearms safety instructor shall be considered to be a qualified firearms safety instructor by any sheriff issuing a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121 if the instructor:
- (1) Is a valid firearms safety instructor certified by the National Rifle Association holding a rating as a personal protection instructor or pistol marksmanship instructor; or
  - (2) Submits a photocopy of a certificate from a firearms safety instructor's course offered by a local, state, or federal governmental agency; or
  - (3) Submits a photocopy of a certificate from a firearms safety instructor course approved by the department of public safety; or
  - (4) Has successfully completed a firearms safety instructor course given by or under the supervision of any state, county, municipal, or federal law enforcement agency; or
  - (5) Is a certified police officer firearms safety instructor.
6. Any firearms safety instructor who knowingly provides any sheriff with any false information concerning an applicant's performance on any portion of the required training and qualification shall be guilty of a class C misdemeanor.

571.117. 1. Any person who has knowledge that another person, who was issued a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, never was or no longer is eligible for such endorsement under the criteria established in sections 571.101 to 571.121 may file a petition with the clerk of the small claims court to revoke that person's certificate of qualification for a concealed carry endorsement and such person's concealed carry endorsement. The petition shall be in a form substantially similar to the petition for revocation of concealed carry endorsement provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of ....., Missouri

....., PLAINTIFF

)

)

vs. ) Case Number .....

)

....., DEFENDANT,

Carry Endorsement Holder

....., DEFENDANT,

Sheriff of Issuance

PETITION FOR REVOCATION

OF CERTIFICATE OF QUALIFICATION

OR CONCEALED CARRY ENDORSEMENT

Plaintiff states to the court that the defendant, ....., has a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, and that the defendant's certificate of qualification or concealed carry endorsement should now be revoked because the defendant either never was or no longer is eligible for such a certificate or endorsement pursuant to the provisions of sections 571.101 to 571.121, RSMo, specifically plaintiff states that defendant, ....., never was or no longer is eligible for such certificate or endorsement for one or more of the following reasons:

(CHECK BELOW EACH REASON THAT APPLIES TO THIS DEFENDANT)

☐ Defendant is not at least twenty-one years of age **or at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces.**

☐ Defendant is not a citizen of the United States.

☐ Defendant had not resided in this state prior to issuance of the permit and does not qualify as a military member or spouse of a military member stationed in Missouri.

☐ Defendant has pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.

☐ Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification or concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, or if the applicant has been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.

☐ Defendant is a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.

☐ Defendant has been discharged under dishonorable conditions from the United States armed forces.

☐ Defendant is reasonably believed by the sheriff to be a danger to self or others based on previous, documented pattern.

☐ Defendant is adjudged mentally incompetent at the time of application or for five years prior to application, or has been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply.

☐ Defendant failed to submit a completed application for a certificate of qualification or concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.

☐ Defendant failed to submit to or failed to clear the required background check.

☐ Defendant failed to submit an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsection 1 of section 571.111, RSMo.

The plaintiff subject to penalty for perjury states that the information contained in this petition is true and correct to the best of the plaintiff's knowledge, is reasonably based upon the petitioner's personal knowledge and is not primarily intended to harass the defendant/respondent named herein.

....., PLAINTIFF

2. If at the hearing the plaintiff shows that the defendant was not eligible for the certificate of qualification or the concealed carry endorsement issued pursuant to sections 571.101 to 571.121, at the time of issuance or renewal or is no longer eligible for a certificate of qualification or the concealed carry endorsement issued pursuant to the provisions of sections 571.101 to 571.121, the court shall issue an appropriate order to cause the revocation of the certificate of qualification or concealed carry endorsement. Costs shall not be assessed against the sheriff.

3. The finder of fact, in any action brought against an endorsement holder pursuant to subsection 1 of this section, shall make findings of fact and the court shall make conclusions of law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted without justification or with malice or primarily with an intent to



harass the endorsement holder or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay the defendant/respondent all reasonable costs incurred in defending the action including, but not limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and costs to be awarded should be liberally calculated in defendant/respondent's favor. Notwithstanding any other provision of law, reasonable attorney's fees shall be presumed to be at least one hundred fifty dollars per hour.

4. Any person aggrieved by any final judgment rendered by a small claims court in a petition for revocation of a certificate of qualification or concealed carry endorsement may have a right to trial de novo as provided in sections 512.180 to 512.320.

5. The office of the county sheriff or any employee or agent of the county sheriff shall not be liable for damages in any civil action arising from alleged wrongful or improper granting, renewing, or failure to revoke a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, so long as the sheriff acted in good faith."; and

Further amend said bill, Page 54, Section 650.230, Line 27, by inserting after all of said line, the following:

"[475.375. 1. Any individual over the age of eighteen years who has been adjudged incapacitated under this chapter or who has been involuntarily committed under chapter 632 may file a petition for the removal of the disqualification to purchase, possess, or transfer a firearm when:

(1) The individual no longer suffers from the condition that resulted in the individual's incapacity or involuntary commitment;

(2) The individual no longer poses a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922; and

(3) Granting relief under this section is not contrary to the public interest. No individual who has been found guilty by reason of mental disease or defect may petition a court for restoration under this section.

2. The petition shall be filed in the circuit court that entered the letters of guardianship or the most recent order for involuntary commitment, whichever is later. Upon receipt of the petition, the clerk shall schedule a hearing and provide notice of the hearing to the petitioner.

3. The burden is on the petitioner to establish by clear and convincing evidence that:

(1) The petitioner no longer suffers from the condition that resulted in the incapacity or the involuntary commitment;

(2) The individual no longer poses a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922; and

(3) Granting relief under this section is not contrary to the public interest.

4. Upon the filing of the petition the court shall review the petition and determine if the petition is based upon frivolous grounds and if so may deny the petition without a hearing. In order to determine whether petitioner has met the burden pursuant to this section, the court may request the local prosecuting attorney, circuit attorney, or attorney general to provide a written recommendation as to whether relief should be granted. In any order requiring such review the court may grant access to any and all mental health records, juvenile records, and criminal history of the petitioner wherever maintained. The court may allow presentation of evidence at the hearing if requested by the local prosecuting attorney, circuit attorney, or attorney general.

5. If the petitioner is filing the petition as a result of an involuntary commitment under chapter 632, the hearing and records shall be closed to the public, unless the court finds that public interest would be better served by conducting the hearing in public. If the court determines the hearing should be open to the public, upon motion by the petitioner, the court may allow for the in-camera inspection of mental health records. The court may allow the use of the record but shall restrict from public disclosure, unless it finds that the public interest would be better served by making the record public.

6. The court shall enter an order that:

(1) The petitioner does or does not continue to suffer from the condition that resulted in commitment;

(2) The individual does or does not continue to pose a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922; and

(3) Granting relief under this section is not contrary to the public interest. The court shall include in its order the specific findings of fact on which it bases its decision.

7. Upon a judicial determination to grant a petition under this section, the clerk in the county where the petition was granted shall forward the order to the Missouri state highway patrol for updating of the petitioner's record with the National Instant Criminal Background Check System (NICS).

8. (1) Any person who has been denied a petition for the removal of the disqualification to purchase, possess, or transfer a firearm pursuant to this section shall not be eligible to file another petition for removal of the disqualification to purchase, possess, or transfer a firearm until the expiration of one year from the date of such denial.

(2) If a person has previously filed a petition for the removal of the disqualification to purchase, possess, or transfer a firearm and the court determined that:

(a) The petitioner's petition was frivolous; or

(b) The petitioner's condition had not so changed such that the person continued to suffer from the condition that resulted in the individual's incapacity or involuntary commitment and continued to pose a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922; or

(3) Granting relief under this section would be contrary to the public interest, then the court shall deny the subsequent petition unless the petition contains the additional facts upon which the court could find the condition of the petitioner had so changed that a hearing was warranted.]; and

Further amend Page 55, Section B, Line 1, by inserting after the word "law", the following:

"and to clarify the requirements for concealed carry endorsements"; and

Further amend Line 2, by striking the word "and"; and

Further amend said line, by inserting after "320.136", the following:

"and section 571.111"; and

Further amend Line 6, by striking the word "and"; and

Further amend said line, by inserting after "320.136", the following:

"and section 571.111"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 1  
to  
Senate Amendment No. 3*

AMEND Senate Amendment No. 3 to Senate Substitute for House Committee Substitute for House Bill No. 1647, Page 2, Section 610.140, Line 8 of said page, by inserting immediately after "2." the following:

**"The following offenses are eligible to be expunged when such offenses occurred within the state of Missouri and were prosecuted under the jurisdiction of a Missouri municipal associate or circuit court: (1)"; and**

Further amend Line 11 of said page, by striking "is eligible to be expunged when such" and inserting in lieu thereof the following:

“;

**(2) Any misdemeanor offense of sections 569.065, 569.067, 569.090, subdivision (1) of subsection 1 of section 569.120, sections 569.140, 569.145, 572.020, 574.020, or 574.075; or**

**(3) Any class B or C misdemeanor offense of section 574.010.”; and**

Further amend Lines 12-14 of said page, by striking all of said lines.

*Senate Amendment No. 3*

AMEND Senate Substitute for House Committee Substitute for House Bill No. 1647, Page 51, Section 414.570, Line 26 of said page, by inserting after all of said line the following:

**“488.650. There shall be assessed as costs a surcharge in the amount of one hundred dollars on all petitions for expungement filed under the provisions of section 610.140. Such surcharge shall be collected and disbursed by the clerk of the court as provided by sections 488.010 to 488.020. Moneys collected from this surcharge shall be payable to the general revenue fund.**

561.026. Notwithstanding any other provision of law **except for section 610.140**, a person who is convicted:

(1) Of any crime shall be disqualified from registering and voting in any election under the laws of this state while confined under a sentence of imprisonment;

(2) Of a felony or misdemeanor connected with the exercise of the right of suffrage shall be forever disqualified from registering and voting;

(3) Of any felony shall be forever disqualified from serving as a juror.

**610.140. 1. Notwithstanding any other provision of law and subject to the provisions of this section, any person may apply to any court in which such person was found guilty of any of the offenses specified in subsection 2 of this section for an order to expunge recordings of such arrest, plea, trial, or conviction. A person may apply to have one or more offenses expunged so long as such person lists all the offenses he or she is seeking to have expunged in the same petition and so long as all such offenses are eligible under subsection 2 of this section.**

**2. Any felony or misdemeanor offense of passing a bad check under 570.120, fraudulently stopping payment of an instrument under 570.125, or fraudulent use of a credit device or debit device under section 570.130 is eligible to be expunged when such felony or misdemeanor offense occurred within the state of Missouri, and was prosecuted under the jurisdiction of a Missouri municipal, associate, or circuit court.**

**3. The petition shall name as defendants all law enforcement agencies, courts, prosecuting or circuit attorneys, central state repositories of criminal records, or others who the petitioner has reason to believe may possess the records subject to expungement for each of the offenses listed in the petition. The court's order of expungement shall not affect any person or entity not named as a defendant in the action.**

**4. The petition shall be dismissed if it does not include the following information:**

**(1) The petitioner's:**

**(a) Full name;**

**(b) Sex;**

**(c) Race;**

**(d) Driver's license number, if applicable; and**

**(e) Current address;**

**(2) Each offense charged against the petitioner for which the petitioner is requesting expungement;**

**(3) The date the petitioner was arrested for each offense;**

**(4) The name of the county where the petitioner was arrested for each offense and if any of the offenses occurred in a municipality, the name of the municipality for each offense;**

**(5) The name of the agency that arrested the petitioner for each offense;**

**(6) The case number and name of the court for each offense; and**

**(7) Petitioner's fingerprints on a standard fingerprint card at the time of filing a petition for expungement which will be forwarded to the central repository for the sole purpose of positively identifying the petitioner.**

**5. The court may set a hearing on the matter no sooner than thirty days from the filing of the petition and shall give reasonable notice of the hearing to each entity named in the petition. At the hearing, the court may accept evidence and hear testimony on, and may consider, the following criteria for each of the offenses listed in the petition for expungement:**

**(1) It has been at least twenty years if the offense is a felony, or at least ten years if the offense is a misdemeanor, municipal offense, or infraction, since the person making the application completed:**

**(a) Any sentence of imprisonment; or**

(b) Any period of probation or parole;

(2) The person has not been found guilty of a misdemeanor or felony, not including violations of the traffic regulations provided under chapters 304 and 307, during the time period specified for the underlying offense in subdivision (1) of this subsection;

(3) The person has paid any amount of restitution ordered by the court;

(4) The circumstances and behavior of the petitioner warrant the expungement; and

(5) The expungement is consistent with the public welfare.

6. If the court determines at the conclusion of the hearing that such person meets all the criteria set forth in subsection 5 of this section for each of the offenses listed in the petition for expungement, the court may enter an order of expungement. A copy of the order shall be provided to each entity named in the petition, and, upon receipt of the order, each entity shall destroy any record in its possession relating to any offense listed in the petition. If destruction of the record is not feasible because of the permanent nature of the record books, such record entries shall be blacked out. Entries of a record ordered expunged shall be removed from all electronic files maintained with the state of Missouri, except for the files of the court. The records and files maintained in any administrative or court proceeding in a municipal, associate, or circuit court for any offense ordered expunged under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The central repository shall request the Federal Bureau of Investigation to expunge the records from its files.

7. The order shall not limit any of the petitioner's rights that were restricted as a collateral consequence of such person's criminal record, and such rights shall be restored upon issuance of the order of expungement. Except as otherwise provided under this section, the effect of such order shall be to restore such person to the status he or she occupied prior to such arrests, pleas, trials, or convictions as if such events had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrests, pleas, trials, convictions, or expungement in response to an inquiry made of him or her and no such inquiry shall be made for information relating to an expungement, except the petitioner shall disclose the expunged offense to any court when asked or upon being charged with any subsequent offense. The expunged offense may be considered a prior offense in determining a sentence to be imposed for any subsequent offense that the person is found guilty of committing.

8. Notwithstanding the provisions of subsection 7 of this section to the contrary, a person granted an expungement shall disclose any expunged offense when the disclosure of such information is necessary to complete any application for:

(1) A license, certificate, or permit issued by this state to practice such individual's profession;

(2) Any license issued under chapter 313; or

(3) Paid or unpaid employment with an entity licensed under chapter 313, any state-operated lottery, or any emergency services provider, including any law enforcement agency.

Notwithstanding any provision of law to the contrary, an expunged offense shall not be grounds for automatic disqualification of an applicant, but may be a factor for denying employment, or a professional license, certificate, or permit.

9. If the court determines that such person has not met the criteria for any of the offenses listed in the petition for expungement, the court shall enter an order dismissing the petition. Any person whose petition for expungement has been dismissed by the court for failure to meet the criteria set forth in subsection 5 of this section may not refile another petition until a year has passed since the date of filing for the previous petition.

10. A person may be granted more than one expungement under this section provided that no person shall be granted more than one order of expungement from the same court. Nothing contained in this section shall prevent the court from maintaining records to ensure that an individual has only one petition for expungement granted by such court under this section.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 4

AMEND Senate Substitute for House Committee Substitute for House Bill No. 1647, Page 45, Section 320.136, Line 25 of said page, by inserting immediately after said line the following:

**“321.228. 1. As used in this section, the following terms shall mean:**

**(1) “Residential construction”, new construction and erection of detached single-family or two-family dwellings or the development of land to be used for detached single-family or two-family dwellings;**

**(2) “Residential construction regulatory system”, any bylaw, ordinance, order, rule, or regulation adopted, implemented, or enforced by any city, town, village, or county that pertains to residential construction, to any permitting system, or program relating to residential construction, including but not limited to the use or occupancy by the initial occupant thereof, or to any system or program for the inspection of residential construction. Residential construction regulatory system also includes the whole or any part of a nationally recognized model code, with or without amendments specific to such city, town, village, or county.**

**2. Notwithstanding the provisions of any other law to the contrary, if a city, town, village, or county adopts or has adopted, implements, and enforces a residential construction regulatory system applicable to residential construction within its jurisdiction, any fire protection districts wholly or partly located within such city, town, village, or county shall be without power, authority, or privilege to enforce or implement a residential construction regulatory system purporting to be applicable to any residential construction within such city, town, village, or county. Any such residential construction regulatory system adopted by a fire protection district or its board shall be treated as advisory only and shall not be enforced by such fire protection district or its board.**

**3. Notwithstanding the provisions of any other law to the contrary, fire protection districts:**

**(1) Shall have final regulatory authority regarding the location and specifications of fire hydrants, fire hydrant flow rates, and fire lanes, all as it relates to residential construction. Nothing in this subdivision shall be construed to require the political subdivision supplying water to incur any costs to modify its water supply infrastructure; and**

**(2) May inspect the alteration, enlargement, replacement or repair of a detached single-family or two-family dwelling; and**

**(3) Shall not collect a fee for the services described in subdivisions (1) and (2) of this subsection.**

321.460. 1. Two or more fire protection districts may consolidate with each other in the manner hereinafter provided, and only if the districts have one or more common boundaries, in whole or in part, **or are located within the same county, in whole or in part**, as to any respective two of the districts which are so consolidating.

2. By a majority vote of each board of directors of each fire protection district included within the proposed consolidation, a consolidation plan may be adopted. The consolidation plan shall include the name of the proposed consolidated district, the legal description of the boundaries of each district to be consolidated, and a legal description of the boundaries of the consolidated district, the amount of outstanding bonds, if any, of each district proposed to be consolidated, a listing of the firehouses within each district, and the names of the districts to be consolidated.

3. Each board of the districts approving the plan for proposed consolidation shall duly certify and file in the office of the clerk of the circuit court of the county in which the district is located a copy of the plan of consolidation, bearing the signatures of those directors who vote in favor thereof, together with a petition for consolidation. The petition may be made jointly by all of the districts within the respective plan of consolidation. A filing fee of fifty dollars shall be deposited with the clerk, on the filing of the petition, against the costs of court.

4. The circuit court sitting in and for any county to which the petition is presented is hereby vested with jurisdiction, power and authority to hear the same, and to approve the consolidation and order such districts consolidated, after holding an election, as hereinafter provided.

5. If the circuit court finds the plan for consolidation to have been duly approved by the respective boards of directors of the fire protection districts proposed to be consolidated, then the circuit court shall enter its order of record, directing the submission of the question.

6. The order shall direct publication of notice of election, and shall fix the date thereof. The order shall direct that the elections shall be held to vote on the proposition of consolidating the districts and to elect three persons, having the qualifications declared in section 321.130 and being among the then directors of the districts proposed to be consolidated, to become directors of the consolidated district.

7. The question shall be submitted in substantially the following form:

Shall the ..... Fire Protection Districts and the ..... Fire Protection District be consolidated into one fire protection district to be known as the ..... Fire Protection District, with tax levies not in excess of the following amounts:

maintenance fund ..... cents per one hundred dollars assessed valuation; ambulance service ..... cents per one hundred dollars assessed valuation; pension fund ..... cents per one hundred dollars assessed valuation; and dispatching fund ..... cents per one hundred dollars assessed valuation?

8. If, upon the canvass and declaration, it is found and determined that a majority of the voters of the districts voting on the proposition or propositions have voted in favor of the proposition to incorporate the consolidated district, then the court shall then further, in its order, designate the first board of directors of the consolidated district, who have been elected by the voters voting thereon, the one receiving the third highest number of votes to hold office until the first Tuesday in April which is more than one year after the date of election, the one receiving the second highest number of votes to hold office until two years after the first Tuesday aforesaid, and the one receiving the highest number of votes until four years after the first Tuesday in April as aforesaid. If any other propositions are also submitted at the election, the court, in its order, shall also declare the results of the votes thereon. If the court shall find and determine, upon the canvass and declaration, that a majority of the voters of the consolidated district have not voted in favor of the proposition to incorporate the consolidated district, then the court shall enter its order declaring the proceedings void and of no effect, and shall dismiss the same at the cost of petitioners.”; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 5*

AMEND Senate Substitute for House Committee Substitute for House Bill No 1647, Page 51, Section 414.570, Line 26, by inserting after all of said line the following:

“565.081. 1. A person commits the crime of assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer in the first degree if such person attempts to kill or knowingly causes or attempts to cause serious physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer.

2. As used in this section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), (17), and (18) of section 190.100.

3. As used in this section the term "corrections officer" includes any jailer or corrections officer of the state or any political subdivision of the state.

4. When used in this section, the terms "highway worker", "construction zone", or "work zone" shall have the same meaning as such terms are defined in section 304.580.

5. **As used in this section, the term "utility worker" means any employee while in performance of their job duties, including any person employed under contract, of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.**

6. **As used in this section, the term “cable worker” means any employee including any person employed under contract, of a cable operator, as such term is defined in section 673.2677**

7. Assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer in the first degree is a class A felony.

565.082. 1. A person commits the crime of assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer in the second degree if such person:

(1) Knowingly causes or attempts to cause physical injury to a law enforcement officer, corrections officer, emergency personnel, **highway worker in a construction zone or work zone, utility worker, cable worker**, or probation and parole officer by means of a deadly weapon or dangerous instrument;

(2) Knowingly causes or attempts to cause physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer by means other than a deadly weapon or dangerous instrument;

(3) Recklessly causes serious physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer; or

(4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle or vessel in this state and when so operating, acts with criminal negligence to cause physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer;

(5) Acts with criminal negligence to cause physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer by means of a deadly weapon or dangerous instrument;

(6) Purposely or recklessly places a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer in apprehension of immediate serious physical injury; or

(7) Acts with criminal negligence to create a substantial risk of death or serious physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer.

2. As used in this section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), (17), and (18) of section 190.100.

3. As used in this section the term "corrections officer" includes any jailer or corrections officer of the state or any political subdivision of the state.

4. When used in this section, the terms "highway worker", "construction zone", or "work zone" shall have the same meaning as such terms are defined in section 304.580.

5. **As used in this section, the term "utility worker" means any employee while in performance of their job duties, including any person employed under contract, of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.**

6. **As used in this section, the term "cable worker" means any employee, including any person employed under contract, of a cable operator, as such term is defined in section 67.2677.**

7. Assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer in the second degree is a class B felony unless committed pursuant to subdivision (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class C felony. For any violation of subdivision (1), (3), or (4) of subsection 1 of this section, the defendant must serve mandatory jail time as part of his or her sentence.

565.083. 1. A person commits the crime of assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer in the third degree if:

(1) Such person recklessly causes physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer;

(2) Such person purposely places a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer in apprehension of immediate physical injury;

(3) Such person knowingly causes or attempts to cause physical contact with a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer without the consent of the law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation and parole officer.

2. As used in this section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), (17), and (18) of section 190.100.

3. As used in this section the term "corrections officer" includes any jailer or corrections officer of the state or any political subdivision of the state.

4. When used in this section, the terms "highway worker", "construction zone", or "work zone" shall have the same meaning as such terms are defined in section 304.580.

5. **As used in this section, the term "utility worker" means any employee while in performance of their job duties, including any person employed under contract, of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.**

**6. As used in this section, the term “cable worker” means any employee, including any person employed under contract, of a cable operator, as such term is defined in section 67.2677.**

**7. Assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer in the third degree is a class A misdemeanor.”; and**

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

*Senate Amendment No. 6*

AMEND Senate Substitute for House Committee Substitute for House Bill No. 1647, Page 23, Section 292.606, Line 18, by inserting after all of said line the following:

**"292.655. 1. For purposes of this section, the following terms mean:**

**(1) "Engineered injury protection device", a mechanical device or feature to a device that renders the needle incapable of inflicting a needlestick injury either by:**

**(a) Destruction of the medical needle sharp metal point at the point of procedure or use; or**

**(b) Covering the sharp end of the needle at the time the needle is removed from the skin of the subject human or animal. Recapping the medical needle with the original needle packaging cover is not considered an engineered injury protection device.**

**(2) "Medical needles", hypodermic needles or other similar hollow-bore needles, syringes, or blood extraction apparatus with a primary function to penetrate the skin of a living human or animal.**

**2. Employers that use medical needles in the routine course of conducting business in the state may use any commercially available engineered injury protection device that can be reasonably expected to reduce the risk of accidental needlestick injuries to employees, patients, or customers.**

**3. This section shall not apply to needles for sewing dead animal skins or parts, fish hooks, gaffs, animal tags, or other similar sharp objects related to animals but unrelated to healthcare or testing of live animals. This section shall not apply to any veterinary care provided by a licensed veterinarian or veterinary care provider in or outside of a designated veterinary office, including but not limited to, a ranch, farm, or private residence being provided in the scope of veterinary practices under chapter 340.”; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 7*

AMEND Senate Substitute for House Committee Substitute for House Bill No. 1647, Page 1, Section A, Line 7, by inserting after all of said line the following:

**“190.335. 1. In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as “emergency services”, and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.**

**2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.**

**3. The ballot of submission shall be in substantially the following form:**

Shall the county of ..... (insert name of county) impose a county sales tax of .....  
(insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?

☐ YES

☐ NO



If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525. The sales tax shall not be collected prior to thirty-six months before operation of the central dispatching of emergency services.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.

7. At least once each calendar year, the board shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The board shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in this act. Immediately upon making its determination and fixing the rate, the board shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales tax pursuant to the provisions of this section, the county commission shall appoint the initial members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.

9. The initial board shall consist of seven members appointed without regard to political affiliation, who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.

10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large, such member to be the chairman of the board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years.

11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the first classification with more than two hundred forty thousand three hundred but fewer than two hundred forty thousand four hundred inhabitants, any emergency telephone service 911 board appointed by the county under section 190.309 which is in existence on the date the voters approve a sales tax under this section shall continue to exist and shall have the powers set forth under section 190.339.

12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the second classification with more than fifty-four thousand two hundred but fewer than fifty-four thousand three hundred inhabitants **or any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants** that has approved a sales tax under this section, the county commission shall appoint the members of the board to administer the funds and oversee the provision of emergency services in the county.

(2) The board shall consist of seven members appointed without regard to political affiliation. **Except as provided in subdivision (4) of this subsection**, each member shall be one of the following:

- (a) The head of any of the county's fire protection districts, or a designee;
- (b) The head of any of the county's ambulance districts, or a designee;
- (c) The county sheriff, or a designee;
- (d) The head of any of the police departments in the county, or a designee; and
- (e) The head of any of the county's emergency management organizations, or a designee.

(3) Upon the appointment of the board under this subsection, the board shall have the power provided in section 190.339 and shall exercise all powers and duties exercised by the county commission under this chapter, and the commission shall relinquish all powers and duties relating to the provision of emergency services under this chapter to the board.

**(4) In any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants, each of the entities listed in subdivision (2) of this subsection shall be represented on the board by at least one member.”; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 8*

AMEND Senate Substitute for House Committee Substitute for House Bill No. 1647, Page 51, Section 414.570, Line 26, by inserting after all of said line the following:

"488.5026. 1. Upon approval of the governing body of a city, county, or a city not within a county, a surcharge of two dollars shall be assessed as costs in each court proceeding filed in any court in any city, county, or city not within a county adopting such a surcharge, in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of two dollars shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031.

2. Notwithstanding any other provision of law, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020, and shall be payable to the treasurer of the governmental unit authorizing such surcharge.

3. The treasurer shall deposit funds generated by the surcharge into the "Inmate **Prisoner Detainee** Security Fund". Funds deposited shall be utilized to **acquire and** develop biometric verification systems **and information sharing** to ensure that inmates, **prisoners, or detainees in a holding cell facility or other detention facility or area which hold persons detained only for a shorter period of time after arrest or after being formally charged** can be properly identified **upon booking** and tracked within **the local law enforcement administration system, criminal justice administration system, or** the local jail system. Upon the installation of the **information sharing or** biometric verification system, funds in the inmate **prisoner detainee** security fund may **also** be used for the maintenance, **repair, and replacement of the information sharing or** biometric verification system, and **also** to pay for any expenses related to **detention**, custody, and housing and other expenses for **inmates, prisoners, and detainees.”; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 9*

AMEND Senate Substitute for House Committee Substitute for House Bill No. 1647, Page 54, Section 650.230, Line 27, by inserting after all of said line the following:

**"Section 1. Notwithstanding any provision of section 292.655 to the contrary, employers that use medical needles in the routine course of conducting business in this state may use any Occupational Safety and Health Administration- or Food and Drug Administration-approved device.”; and**

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report No. 2 on **HCS SB 455, as amended**, and has taken up and passed **CCS#2 HCS SB 455**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SS SCS SB 470, as amended**, and has taken up and passed **CCS HCS SS SCS SB 470**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS#2 SCS SB 480, as amended**, and has taken up and passed **CCS HCS#2 SCS SB 480**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has dissolved the conference on **HCS SCS SB 485, as amended**, and has taken up and adopted **HCS SCS SB 485, as amended**, and has taken up and passed **HCS SCS SB 485, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 510, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has dissolved the conference on **SCS SB 566, as amended**, and has taken up and adopted **HA 1** and **HA 2** to **SCS SB 566** and has taken up and passed **SCS SB 566, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SB 599, as amended**, and has taken up and passed **CCS SB 599**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 628, as amended**, and has taken up and passed **CCS HCS SB 628**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SCS SB 631, as amended**, and has taken up and passed **CCS HCS SCS SB 631**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS for SB 701, as amended**, and requests the House recede from its position and take up and pass **SB 701**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS#2 SCS SB 729, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SB 813, as amended**: Senators Richard, Kehoe, Rupp, Justus and Wright-Jones.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HA 1 to SB 893**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

### **APPOINTMENT OF CONFERENCE COMMITTEE**

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

**HCS SB 668**: Representatives Diehl, Jones (89), Tilley, Talboy and Swearingen

### **THIRD READING OF SENATE BILL**

**HCS SS SCS SB 755, as amended**, relating to public safety, was again taken up by Representative Cookson.

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

#### *House Amendment No. 3*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 3, Section 210.1014, Line 36, by inserting after said line the following:

**“301.4042. 1. Notwithstanding any other provision of law to the contrary, any person, after an annual payment of an emblem-use fee to the Pony Express Museum in St. Joseph, may receive specialty personalized license plates for any vehicle the member 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. The Pony Express Museum will provide a logo to be affixed on specialty license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the Pony Express Museum derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Pony Express Museum. Any person may annually apply for the use of the emblem.**

**2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Pony Express Museum, the museum shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual emblem-use authorization statement and payment of a twenty-five dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a specialty personalized license plate which shall bear the rider on horseback emblem, and the words "Pony Express" at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section.**

**3. A vehicle owner who was previously issued a plate with the Pony Express Museum's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Pony Express Museum's emblem, as otherwise**

provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

4. Prior to the issuance of a Pony Express specialty personalized plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates.

5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plate fees in accordance with this chapter shall be required.”; and

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

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

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

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 3, Section 210.1014, Line 36, by inserting after all of said line the following:

**"211.069. The amendments to sections 211.071 and 211.073 enacted by the ninety-sixth general assembly, second regular session, shall be known and may be cited as "Jonathan's Law".**

211.071. 1. If a petition alleges that a child between the ages of twelve and seventeen has committed an offense which would be considered a felony if committed by an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child or the child's custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be transferred to the court of general jurisdiction and prosecuted under the general law; except that if a petition alleges that any child has committed an offense which would be considered first degree murder under section 565.020, second degree murder under section 565.021, first degree assault under section 565.050, forcible rape under section 566.030, forcible sodomy under section 566.060, first degree robbery under section 569.020, or distribution of drugs under section 195.211, or has committed two or more prior unrelated offenses which would be felonies if committed by an adult, the court shall order a hearing, and may in its discretion, dismiss the petition and transfer the child to a court of general jurisdiction for prosecution under the general law.

2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly committed by any person between seventeen and twenty-one years of age over whom the juvenile court has retained continuing jurisdiction shall automatically terminate and that offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any action or proceeding which occurs based upon the misrepresentation. Any evidence obtained during the period of time in which a child misrepresents his or her age may be used against the child and will be subject only to rules of evidence applicable in adult proceedings.

4. Written notification of a transfer hearing shall be given to the juvenile and his or her custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the hearing is to determine whether the child is a proper subject to be dealt with under the provisions of this chapter, and that if the court finds that the child is not a proper subject to be dealt with under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the child under the general law.

5. The juvenile officer may consult with the office of prosecuting attorney concerning any offense for which the child could be certified as an adult under this section. The prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile officer, statements of witnesses and all other records or reports relating to the offense alleged to have been committed by the child. The prosecuting or circuit attorney shall have access to the disposition records of the child when the child has been adjudicated pursuant to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information regarding the child and the offense until the juvenile court at a judicial hearing has determined that the child is not a proper subject to be dealt with under the provisions of this chapter.

6. A written report shall be prepared in accordance with this chapter developing fully all available information relevant to the criteria which shall be considered by the court in determining whether the child is a proper subject to be dealt with under the provisions of this chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice system. These criteria shall include but not be limited to:

- (1) The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;
- (2) Whether the offense alleged involved viciousness, force and violence;
- (3) Whether the offense alleged was against persons or property with greater weight being given to the offense against persons, especially if personal injury resulted;
- (4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates that the child may be beyond rehabilitation under the juvenile code;
- (5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;
- (6) The sophistication and maturity of the child as determined by consideration of his home and environmental situation, emotional condition and pattern of living;
- (7) The age of the child;
- (8) The program and facilities available to the juvenile court in considering disposition;
- (9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court; and
- (10) Racial disparity in certification.

7. If the court dismisses the petition to permit the child to be prosecuted under the general law, the court shall enter a dismissal order containing:

- (1) Findings showing that the court had jurisdiction of the cause and of the parties;
- (2) Findings showing that the child was represented by counsel;
- (3) Findings showing that the hearing was held in the presence of the child and his counsel; and
- (4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

8. A copy of the petition and order of the dismissal shall be sent to the prosecuting attorney.

9. When a petition has been dismissed thereby permitting a child to be prosecuted under the general law **and the prosecution of the child results in a conviction**, the jurisdiction of the juvenile court over that child is forever terminated, except as provided in subsection 10 of this section, for an act that would be a violation of a state law or municipal ordinance.

10. If a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the child is found not guilty by a court of general jurisdiction, the juvenile court shall have jurisdiction over any later offense committed by that child which would be considered a misdemeanor or felony if committed by an adult, subject to the certification provisions of this section.

11. If the court does not dismiss the petition to permit the child to be prosecuted under the general law, it shall set a date for the hearing upon the petition as provided in section 211.171.

211.073. 1. The court [may] **shall**, in a case when the offender is under seventeen years **and six months** of age and has been transferred to a court of general jurisdiction pursuant to section 211.071, and whose prosecution results in a conviction or a plea of guilty, [invoke] **consider** dual jurisdiction of both the criminal and juvenile codes, as set forth in this section. The court is authorized to impose a juvenile disposition under this chapter and simultaneously impose an adult criminal sentence, the execution of which shall be suspended pursuant to the provisions of this section. Successful completion of the juvenile disposition ordered shall be a condition of the suspended adult criminal sentence. The court may order an offender into the custody of the division of youth services pursuant to this section [if:

- (1) A facility is designed and built by the division of youth services specifically for offenders sentenced pursuant to this section and if the division determines that there is space available, based on design capacity, in the facility; and

(2)];

(1) Upon agreement of the division of youth services; and

(2) If the division of youth services determines that there is space available in a facility designed to serve offenders sentenced under this section.

**If the division of youth services agrees to accept a youth and the court does not impose a juvenile disposition, the court shall make findings on the record as to why the division of youth services was not appropriate for the offender prior to imposing the adult criminal sentence.**

2. If there is probable cause to believe that the offender has violated a condition of the suspended sentence or committed a new offense, the court shall conduct a hearing on the violation charged, unless the offender waives such hearing. If the violation is established and found the court may continue or revoke the juvenile disposition, impose the adult criminal sentence, or enter such other order as it may see fit.

3. When an offender has received a suspended sentence pursuant to this section and the division determines the child is beyond the scope of its treatment programs, the division of youth services may petition the court for a transfer of custody of the offender. The court shall hold a hearing and shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections; or

(2) Direct that the offender be placed on probation.

4. When an offender who has received a suspended sentence reaches the age of seventeen, the court shall hold a hearing. The court shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections;

(2) Direct that the offender be placed on probation; or

(3) Direct that the offender remain in the custody of the division of youth services if the division agrees to such placement.

5. The division of youth services shall petition the court for a hearing before it releases an offender who comes within subsection 1 of this section at any time before the offender reaches the age of twenty-one years. The court shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections; or

(2) Direct that the offender be placed on probation.

6. If the suspension of the adult criminal sentence is revoked, all time served by the offender under the juvenile disposition shall be credited toward the adult criminal sentence imposed."; and

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

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

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

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 22, Section 577.172, Line 11, by inserting after all of said section and line the following:

“589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony offense of chapter 566, including sexual trafficking of a child and sexual trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is a minor, unless such person is exempted from registering under subsection 8 of this section; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit one or more of the following offenses: kidnapping when the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious restraint when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home, under section 565.200; endangering the welfare of a child under section 568.045 when the endangerment is sexual

in nature; genital mutilation of a female child, under section 568.065; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography; furnishing pornographic material to minors; public display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first degree; promoting pornography for minors or obscenity in the second degree; incest; use of a child in a sexual performance; or promoting sexual performance by a child; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any juvenile certified as an adult and transferred to a court of general jurisdiction who has been convicted of, found guilty of, or has pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony under chapter 566 which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense; **or**

(6) Any juvenile fourteen years of age or older at the time of the offense who has been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense; **or**

(7) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, **territory, or the District of Columbia**, or foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or conspiring to commit an offense which, if committed in this state, would be a violation of chapter 566, or a felony violation of any offense listed in subdivision (2) of this subsection or has been or is required to register in another state, **territory, the District of Columbia, or foreign country**, or has been or is required to register under tribal, federal, or military law; or

(8) Any person who has been or is required to register in another state or has been or is required to register under tribal, federal, or military law and who works or attends an educational institution, whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education on a full-time or on a part-time basis or has a temporary residence in Missouri. "Part-time" in this subdivision means for more than seven days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 apply shall, within three days of conviction, release from incarceration, or placement upon probation, register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense. Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county or city not within a county within three days. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town, village, or campus law enforcement agency, if so requested.

3. The registration requirements of sections 589.400 through 589.425 are lifetime registration requirements unless:

(1) All offenses requiring registration are reversed, vacated or set aside;

(2) The registrant is pardoned of the offenses requiring registration;

(3) The registrant is no longer required to register and his or her name shall be removed from the registry under the provisions of subsection 6 of this section; or

(4) The registrant may petition the court for removal or exemption from the registry under subsection 7 or 8 of this section and the court orders the removal or exemption of such person from the registry.

4. For processing an initial sex offender registration the chief law enforcement officer of the county or city not within a county may charge the offender registering a fee of up to ten dollars.

5. For processing any change in registration required pursuant to section 589.414 the chief law enforcement official of the county or city not within a county may charge the person changing their registration a fee of five dollars for each change made after the initial registration.

6. Any person currently on the sexual offender registry for being convicted of, found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to commit, felonious restraint when the victim was a child and he or she was the parent or guardian of the child, nonsexual child abuse that was committed under section 568.060, or kidnapping when the victim was a child and he or she was the parent or guardian of the child shall



be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.

7. Any person currently on the sexual offender registry for having been convicted of, found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit promoting prostitution in the second degree, promoting prostitution in the third degree, public display of explicit sexual material, statutory rape in the second degree, **or sexual misconduct in the second degree** and no physical force or threat of physical force was used in the commission of the crime may file a petition in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the offense or offenses for the removal of his or her name from the sexual offender registry after ten years have passed from the date he or she was required to register.

8. Effective August 28, 2009, any person on the sexual offender registry for having been convicted of, found guilty of, or having pled guilty or nolo contendere to an offense included under subsection 1 of this section may file a petition after two years have passed from the date the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for removal of his or her name from the registry if such person was nineteen years of age or younger and the victim was thirteen years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the offense, unless such person meets the qualifications of this subsection, and such person was eighteen years of age or younger at the time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a violation of section 566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor, in which case, such person may immediately file a petition to remove or exempt his or her name from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere to such offense.

9. (1) The court may grant such relief under subsection 7 or 8 of this section if such person demonstrates to the court that he or she has complied with the provisions of this section and is not a current or potential threat to public safety. The prosecuting attorney in the circuit court in which the petition is filed must be given notice, by the person seeking removal or exemption from the registry, of the petition to present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition. If the prosecuting attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with that petition.

(2) If the petition is denied, such person shall wait at least twelve months before petitioning the court again. If the court finds that the petitioner is entitled to relief, which removes or exempts such person's name from the registry, a certified copy of the written findings or order shall be forwarded by the court to the chief law enforcement official having jurisdiction over the offender and to the Missouri state highway patrol in order to have such person's name removed or exempted from the registry.

10. Any nonresident worker or nonresident student shall register for the duration of such person's employment or attendance at any school of higher education and is not entitled to relief under the provisions of subsection 9 of this section. Any registered offender from another state who has a temporary residence in this state and resides more than seven days in a twelve-month period shall register for the duration of such person's temporary residency and is not entitled to the provisions of subsection 9 of this section.

11. Any person whose name is removed or exempted from the sexual offender registry under subsection 7 or 8 of this section shall no longer be required to fulfill the registration requirements of sections 589.400 to 589.425, unless such person is required to register for committing another offense after being removed from the registry.”; and

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

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

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

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 22, Section 575.080, Line 18, by inserting after all of said section and line the following:

**“575.124. 1. No person shall attempt by means of any threat or violence to deter or prevent an inspector, agent, or other employee of the department of agriculture from performing any duties imposed by law upon such inspector, agent, or employee or the department.**

**2. Any person who violates the provisions of this section is guilty of a class B misdemeanor. Any second or subsequent violation of this section is a class A misdemeanor.”; and**

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

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

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

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Pages 22 and 23, Section 610.205, Lines 1 to 39, by deleting all of said lines and inserting in lieu thereof the following:

**"610.205. 1. After an investigation is inactive, as defined in section 610.100, crime scene or death scene photographs and video recordings, including photographs and video recordings created or produced by a state or local agency or by a perpetrator or suspect at a crime scene, which depict or describe a deceased person in a state of dismemberment, decapitation, or similar mutilation including, without limitation, where the deceased person's genitalia are exposed, shall be considered open records for inspection, but closed records for purposes of copying under the provisions of this chapter. Unless dissemination is prohibited under 18 U.S.C. Section 2252, this section shall not prohibit disclosure of such material to:**

**(1) State and local law enforcement agencies, prosecuting attorneys, juvenile officers, courts and court personnel, coroners, the state technical assistance team, child fatality review panels, the department of social services, or other state or local officials who need access to the photograph and video recordings in order to perform their duties; and**

**(2) The deceased's nonoffending next of kin or to an individual who has secured a written release from the nonoffending next of kin. It shall be the responsibility of the nonoffending next of kin to show proof of the familial relationship. For purposes of such access, the deceased's nonoffending next of kin shall be:**

**(a) The spouse of the deceased if living;**

**(b) If there is no living spouse of the deceased, an adult child of the deceased; or**

**(c) If there is no living spouse or adult child, a parent of the deceased.**

**Any person who is otherwise a next of kin of the deceased under this section who has been found guilty of the crime that resulted in the deceased's death shall be an offending next of kin and shall not be authorized to access such records or consent to the disclosure of such materials under this section.**

**2. Subject to the provisions of subsection 3 of this section, in the case of closed criminal investigations a circuit court judge may order the disclosure of such photographs or video recordings not otherwise prohibited under 18 U.S.C. Section 2252 upon findings in writing that disclosure is in the public interest and outweighs any privacy interest that may be asserted by the deceased person's next of kin. In making such determination, the court shall consider whether such disclosure is necessary for public evaluation of governmental performance, the seriousness of the intrusion into the family's right to privacy, and whether such disclosure is the least intrusive means available considering the availability of similar information in other public records. In any such action, the court shall review the photographs or video recordings in question in camera with the custodian of the crime scene materials present and may condition any disclosure on such condition as the court may deem necessary to accommodate the interests of the parties.**

**3. Prior to releasing any crime scene material described in subsection 1 of this section, the custodian of such material shall give the deceased person's nonoffending next of kin at least two weeks' notice. No court shall**

order a disclosure under subsection 2 of this section which would disregard or shorten the duration of such notice requirement. No court order or notification to the next of kin shall be required for the release or disclosure of information to state and local law enforcement agencies, prosecuting attorneys, juvenile officers, courts and court personnel, coroners, the state technical assistance team, child fatality review panels, the department of social services or other state or local officials who need access to the photograph and video recordings in order to perform their duties.

4. The provisions of this section shall apply to all undisclosed material which is in the custody of a state or local agency on the effective date of this section and to any such material which comes into the custody of a state or local agency after such date.

5. The provisions of this section shall not apply to disclosure of crime scene material to counsel representing a defendant. Unless otherwise prohibited under 18 U.S.C. Section 2252, counsel may disclose such materials to his or her client and any expert or investigator assisting counsel but shall not otherwise disseminate such materials, except to the extent they may be necessary exhibits in court proceedings. A request under this subsection shall clearly state that such request is being made for the purpose of preparing to file and litigate proceedings enumerated in this subsection."; and

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

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

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

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Section 455.513.3, Page 13, Line 11, by deleting the following: "jurisdiction under section 211.031" and inserting in lieu thereof the following:

**"allegations of abuse under section 210.110"**; and

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

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

Representative Marshall offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 15, Section 488.5050, by deleting all of said section from the bill; and

Further amend said bill, Pages 23-27, Section 650.055, by deleting all of said section from the bill; and

Further amend said bill, Pages 27-28, Section 650.100, by deleting all of said section from the bill; and

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

On motion of Representative Marshall, **House Amendment No. 9** was adopted.

Representative Keeney offered **House Amendment No. 10**.

*House Amendment No. 10*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 16, Section 527.290, Line 14, by inserting after all of said section and line the following:

“535.030. 1. Such summons shall be served as in other civil cases at least four days before the court date in the summons. The summons shall include a court date which shall not be more than twenty-one business days from the date the summons is issued unless at the time of filing the affidavit the plaintiff or plaintiff's attorney consents in writing to a later date.

2. In addition to attempted personal service, the plaintiff may request, and thereupon the clerk of the court shall make an order directing that the officer, or other person empowered to execute the summons, shall also serve the same by securely affixing a copy of such summons and the complaint in a conspicuous place on the dwelling of the premises in question at least ten days before the court date in such summons, and by also mailing a copy of the summons and complaint to the defendant at the defendant's last known address by ordinary mail at least ten days before the court date. If the officer, or other person empowered to execute the summons, shall return that the defendant is not found, or that the defendant has absconded or vacated his or her usual place of abode in this state, and if proof be made by affidavit of the posting and of the mailing of a copy of the summons and complaint, the judge shall at the request of the plaintiff proceed to hear the case as if there had been personal service, and judgment shall be rendered and proceedings had as in other cases, except that no money judgment shall be granted the plaintiff where the defendant is in default and service is by the posting and mailing procedure set forth in this section.

3. If the plaintiff does not request service of the original summons by posting and mailing as provided in subsection 2 of this section, and if the officer, or other person empowered to execute the summons, makes return that the defendant is not found, or that the defendant has absconded or vacated the defendant's usual place of abode in this state, the plaintiff may request the issuance of an alias summons and service of the same by posting and mailing in the time and manner provided in subsection 2 of this section. In addition, the plaintiff or an agent of the plaintiff who is at least eighteen years of age may serve the summons by posting and mailing a copy of the summons in the time and manner provided in subsection 2 of this section. Upon proof by affidavit of the posting and of the mailing of a copy of the summons or alias summons and the complaint, the judge shall proceed to hear the case as if there had been personal service, and judgment shall be rendered and proceedings had as in other cases, except that no money judgment shall be granted the plaintiff where the defendant is in default and service is by the posting and mailing procedure provided in subsection 2 of this section.

4. On the date judgment is rendered as provided in this section where the defendant is in default, the clerk of the court shall mail to the defendant at the defendant's last known address by ordinary mail a notice informing the defendant of the judgment and the date it was entered, and stating that the defendant has ten days from the date of the judgment to file a motion to set aside the judgment or to file an application for a trial de novo in the circuit court, as the case may be, and that unless the judgment is set aside or an application for a trial de novo is filed within ten days, the judgment will become final and the defendant will be subject to eviction from the premises without further notice.

**5. If, after ten days from the date of the judgment the judgment is not set aside or an application for a trial de novo has not been filed, the defendant shall willfully refuse to vacate and surrender the possession of the premises to the plaintiff or the plaintiff's agent, the defendant shall be guilty of a class B misdemeanor.”; and**

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

**Representative Schatz offered House Amendment No. 1 to House Amendment No. 10.**

*House Amendment No. 1*

*to*

*House Amendment No. 10*

AMEND House Amendment No. 10 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 3, Line 5, by inserting after line the following:

‘Further amend said bill, Page 3, Section 43.265, Line 36, by inserting after all of said line the following:

"195.417. 1. The limits specified in this section shall not apply to any quantity of such product, mixture, or preparation which must be dispensed, sold, or distributed in a pharmacy pursuant to a valid prescription.

2. Within any thirty-day period, no person, **pharmacist, intern pharmacist, or registered pharmacist technician** shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

- (1) The sole active ingredient; or
- (2) One of the active ingredients of a combination drug; or
- (3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection;

in any total amount greater than [nine grams, without regard to the number of transactions] **two and eighty-eight one hundredths grams per transaction. Within any twelve-month period, the total amount of all individual transactions under this subsection shall not exceed an aggregate amount of twenty-three and nine one hundredths grams.**

3. [Within any twenty-four-hour period, no pharmacist, intern pharmacist, or registered pharmacy technician shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

- (1) The sole active ingredient; or
- (2) One of the active ingredients of a combination drug; or
- (3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection;

in any total amount greater than three and six-tenths grams without regard to the number of transactions] **Upon written application of a manufacturer, the department of health and senior services may exempt by rule any product containing any compound, mixture, or preparation containing any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers from the application of all or any part of this section because the product is proven to not be feasible for the conversion of the active ingredient into methamphetamine or its salts or precursors. For purposes of this subdivision, "proven" includes but is not limited to the fact that the compound, mixture, or preparation releases less than five percent of the active ingredient used for conversion into methamphetamine or its salts or precursors. Upon notification from the state highway patrol that the patrol has probable cause to believe that a product exempted under this subdivision is feasible for the conversion of the active ingredient into methamphetamine or its salts or precursors, the department may issue an emergency rule revoking the exemption for the product pending a full hearing.**

4. All packages of any compound, mixture, or preparation containing any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician under section 195.017.

5. Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation as specified in this section in accordance with transmission methods and frequency established by the department by regulation.

6. This section shall supersede and preempt any local ordinances or regulations, including any ordinances or regulations enacted by any political subdivision of the state. This section shall not apply to the sale of any animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.

7. All logs, records, documents, and electronic information maintained for the dispensing of these products shall be open for inspection and copying by municipal, county, and state or federal law enforcement officers whose duty it is to enforce the controlled substances laws of this state or the United States.

8. Within thirty days of June 15, 2005, all persons who dispense or offer for sale pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.

9. Any person who knowingly or recklessly violates this section is guilty of a class A misdemeanor."'; and'; and

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

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 088

|            |                |              |            |              |
|------------|----------------|--------------|------------|--------------|
| Allen      | Asbury         | Bahr         | Barnes     | Bernskoetter |
| Berry      | Brandom        | Brattin      | Brown 85   | Brown 116    |
| Burlison   | Cauthorn       | Cierpiot     | Cookson    | Cox          |
| Crawford   | Cross          | Curtman      | Davis      | Day          |
| Denison    | Dugger         | Elmer        | Entlicher  | Fisher       |
| Fitzwater  | Flanigan       | Fraker       | Frederick  | Fuhr         |
| Funderburk | Gatschenberger | Gosen        | Grisamore  | Guernsey     |
| Haefner    | Hampton        | Higdon       | Hinson     | Hoskins      |
| Johnson    | Jones 117      | Keeney       | Kelley 126 | Klippenstein |
| Koenig     | Korman         | Lant         | Largent    | Lasater      |
| Leach      | Leara          | Lichtenegger | Loehner    | Long         |
| Marshall   | McCaherty      | McGhee       | Molendorp  | Nance        |
| Neth       | Nolte          | Parkinson    | Phillips   | Pollock      |
| Redmon     | Reiboldt       | Richardson   | Riddle     | Rowland      |
| Ruzicka    | Sater          | Schad        | Schieber   | Schoeller    |
| Shumake    | Silvey         | Smith 150    | Solon      | Sommer       |
| Thomson    | Torpey         | Wallingford  | Wells      | Weter        |
| White      | Wright         | Zerr         |            |              |

NOES: 046

|            |             |          |            |               |
|------------|-------------|----------|------------|---------------|
| Anders     | Atkins      | Black    | Brown 50   | Carlson       |
| Carter     | Casey       | Ellinger | Ellington  | Fallert       |
| Harris     | Hodges      | Hubbard  | Jones 63   | Kander        |
| Kelly 24   | Kirkton     | Lampe    | May        | McCann Beatty |
| McCreery   | McGeoghegan | McNeil   | Montecillo | Morgan        |
| Nasheed    | Newman      | Nichols  | Oxford     | Pace          |
| Pierson    | Quinn       | Rizzo    | Schieffer  | Schupp        |
| Shively    | Sifton      | Smith 71 | Spreng     | Still         |
| Swearingen | Swinger     | Talboy   | Taylor     | Walton Gray   |
| Webber     |             |          |            |               |

PRESENT: 000

ABSENT WITH LEAVE: 029

|          |             |           |            |           |
|----------|-------------|-----------|------------|-----------|
| Aull     | Colona      | Conway 14 | Conway 27  | Dieckhaus |
| Diehl    | Franklin    | Franz     | Holsman    | Hough     |
| Houghton | Hughes      | Hummel    | Jones 89   | Kratky    |
| Lair     | Lauer       | McDonald  | McManus    | McNary    |
| Meadows  | Scharnhorst | Schatz    | Schneider  | Stream    |
| Webb     | Wieland     | Wyatt     | Mr Speaker |           |

Representative Schatz moved that **House Amendment No. 1 to House Amendment No. 10** be adopted.

Which motion was defeated by the following vote:

AYES: 037

|              |             |          |              |            |
|--------------|-------------|----------|--------------|------------|
| Black        | Carlson     | Cauthorn | Cross        | Denison    |
| Dieckhaus    | Fitzwater   | Fuhr     | Gosen        | Hampton    |
| Higdon       | Hinson      | Hodges   | Jones 117    | Kelley 126 |
| Klippenstein | Korman      | Lant     | Lichtenegger | McCaherty  |
| Montecillo   | Phillips    | Reiboldt | Richardson   | Rizzo      |
| Schatz       | Schieffer   | Smith 71 | Stream       | Swearingen |
| Torpey       | Wallingford | Weter    | Wright       | Wyatt      |
| Zerr         | Mr Speaker  |          |              |            |

NOES: 100

|               |                |              |           |           |
|---------------|----------------|--------------|-----------|-----------|
| Allen         | Anders         | Asbury       | Atkins    | Aull      |
| Bahr          | Barnes         | Bernskoetter | Berry     | Brattin   |
| Brown 50      | Brown 85       | Brown 116    | Burlison  | Carter    |
| Casey         | Cierpiot       | Colona       | Conway 14 | Cookson   |
| Cox           | Crawford       | Curtman      | Davis     | Day       |
| Dugger        | Ellinger       | Ellington    | Elmer     | Entlicher |
| Fallert       | Fisher         | Flanigan     | Fraker    | Frederick |
| Funderburk    | Gatschenberger | Grisamore    | Guernsey  | Haefner   |
| Harris        | Holsman        | Hoskins      | Hubbard   | Johnson   |
| Jones 63      | Jones 89       | Keeney       | Kelly 24  | Kirkton   |
| Koenig        | Kratky         | Lair         | Lampe     | Largent   |
| Lasater       | Leach          | Leara        | Marshall  | May       |
| McCann Beatty | McCreery       | McGeoghegan  | McManus   | McNeil    |
| Molendorp     | Morgan         | Nance        | Nasheed   | Neth      |
| Newman        | Nichols        | Nolte        | Oxford    | Pace      |
| Parkinson     | Pollock        | Quinn        | Redmon    | Riddle    |
| Rowland       | Ruzicka        | Sater        | Schad     | Schoeller |
| Schupp        | Shively        | Shumake      | Silvey    | Solon     |
| Sommer        | Spreng         | Still        | Talboy    | Taylor    |
| Thomson       | Walton Gray    | Webber       | Wells     | White     |

PRESENT: 001

Sifton

ABSENT WITH LEAVE: 025

|           |           |         |             |          |
|-----------|-----------|---------|-------------|----------|
| Brandom   | Conway 27 | Diehl   | Franklin    | Franz    |
| Hough     | Houghton  | Hughes  | Hummel      | Kander   |
| Lauer     | Loehner   | Long    | McDonald    | McGhee   |
| McNary    | Meadows   | Pierson | Scharnhorst | Schieber |
| Schneider | Smith 150 | Swinger | Webb        | Wieland  |

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 088

|            |                |             |              |              |
|------------|----------------|-------------|--------------|--------------|
| Allen      | Asbury         | Bahr        | Barnes       | Bernskoetter |
| Berry      | Brandom        | Brown 85    | Brown 116    | Burlison     |
| Cauthorn   | Cierpiot       | Conway 14   | Cookson      | Cox          |
| Crawford   | Cross          | Davis       | Day          | Denison      |
| Dieckhaus  | Dugger         | Elmer       | Entlicher    | Fisher       |
| Fitzwater  | Flanigan       | Fraker      | Frederick    | Fuhr         |
| Funderburk | Gatschenberger | Gosen       | Grisamore    | Guernsey     |
| Haefner    | Hampton        | Higdon      | Hinson       | Hoskins      |
| Johnson    | Jones 89       | Jones 117   | Kelley 126   | Klippenstein |
| Koenig     | Korman         | Lair        | Lant         | Largent      |
| Lasater    | Leach          | Leara       | Lichtenegger | Long         |
| Marshall   | McCaherty      | McGhee      | Molendorp    | Nance        |
| Neth       | Nolte          | Parkinson   | Phillips     | Pollock      |
| Redmon     | Reiboldt       | Riddle      | Rowland      | Ruzicka      |
| Sater      | Schad          | Schatz      | Schieber     | Schoeller    |
| Shumake    | Silvey         | Solon       | Sommer       | Stream       |
| Thomson    | Torpey         | Wallingford | Wells        | Weter        |
| White      | Wright         | Zerr        |              |              |

NOES: 052

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

PRESENT: 000

ABSENT WITH LEAVE: 023

|            |             |            |           |        |
|------------|-------------|------------|-----------|--------|
| Brattin    | Curtman     | Diehl      | Franklin  | Franz  |
| Hough      | Houghton    | Hughes     | Hummel    | Keeney |
| Kelly 24   | Lauer       | Loehner    | McDonald  | McNary |
| Richardson | Scharnhorst | Schneider  | Smith 150 | Webb   |
| Wieland    | Wyatt       | Mr Speaker |           |        |

On motion of Representative Keeney, **House Amendment No. 10** was adopted.

Representative Hinson offered **House Amendment No. 11**.



House Amendment No. 11

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 2, Section 43.265, Line 19, by inserting after all of said section and line, the following:

“[650.325.] **190.411.** There is hereby established within the department of public safety the “[Advisory Committee for] 911 Service Oversight **Board**” which is charged with assisting and advising the state in ensuring the availability, implementation and enhancement of a statewide emergency telephone number common to all jurisdictions through research, planning, training and education. The [committee for] 911 service oversight **board** shall represent all entities and jurisdictions before appropriate policy-making authorities and the general assembly and shall strive toward the immediate access to emergency services for all citizens of this state.

[650.330.] **190.415.** 1. The [committee for] 911 service oversight **board** shall consist of [sixteen] **seven** members, one of [which] **whom** shall be [chosen from] **the director of** the department of public safety **or the director's designee**, who shall serve as chair of the [committee] **board** and only vote in the instance of a tie vote among the other members, and the other members shall be selected as follows:

(1) [One member chosen to represent an association domiciled in this state whose primary interest relates to counties;

(2) One member chosen to represent the Missouri public service commission;

(3)] One member chosen to represent emergency medical services;

[(4)] (2) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to a national emergency number;

[(5)] (3) One member chosen to represent an association whose primary interest relates to issues pertaining to fire chiefs;

[(6)] (4) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to issues pertaining to public safety communications officers;

[(7)] (5) One member chosen to represent an association whose primary interest relates to issues pertaining to [police chiefs] **law enforcement officials; and**

[(8) One member chosen to represent a league or association domiciled in this state whose primary interest relates to issues pertaining to municipalities;

(9) One member chosen to represent an association domiciled in this state whose primary interest relates to issues pertaining to sheriffs;

(10) One member chosen to represent 911 service providers in counties of the second, third and fourth classification;

(11) One member chosen to represent 911 service providers in counties of the first classification, with and without charter forms of government, and cities not within a county;

(12)] (6) One member chosen to represent telecommunications service providers with [at least one hundred thousand] access lines located within Missouri[;

(13) One member chosen to represent telecommunications service providers with less than one hundred thousand access lines located within Missouri;

(14) One member chosen to represent a professional association of physicians who conduct with emergency care; and

(15) One member chosen to represent the general public of Missouri who represents an association whose primary interest relates to education and training, including that of 911, police and fire dispatchers].

2. Each of the members of the [committee for] 911 service oversight **board** shall be appointed by the governor with the advice and consent of the senate for a term of four years[; except that, of those members first appointed, four members shall be appointed to serve for one year, four members shall be appointed to serve for two years, four members shall be appointed to serve for three years and four members shall be appointed to serve for four years]. Members of the [committee] **board** may serve multiple terms.

3. The [committee for] 911 service oversight **board** shall meet at least quarterly at a place and time specified by the chairperson of the [committee] **board** and it shall keep and maintain records of such meetings, as well as the other activities of the [committee] **board**. Members shall not be compensated but shall receive actual and necessary expenses for attending meetings of the [committee] **board**.

4. The [committee for] 911 service oversight **board** shall:

(1) Organize and adopt standards governing the [committee's] **board's** formal and informal procedures;

(2) Provide recommendations for primary answering points and secondary answering points on statewide technical and operational standards for 911 services;

(3) Provide recommendations to public agencies concerning model systems to be considered in preparing a 911 service plan;

(4) Provide requested mediation services to political subdivisions involved in jurisdictional disputes regarding the provision of 911 services, except that such [committee] **board** shall not supersede decision-making authority of local political subdivisions in regard to 911 services;

(5) Provide assistance to the governor and the general assembly regarding 911 services;

(6) Review existing and proposed legislation and make recommendations as to changes that would improve such legislation;

(7) Aid and assist in the timely collection and dissemination of information relating to the use of a universal emergency telephone number;

(8) Perform other duties as necessary to promote successful development, implementation and operation of 911 systems across the state; and

(9) Advise the department of public safety on establishing rules and regulations necessary to administer the provisions of sections [650.320 to 650.340] **190.400 to 190.445**.

5. The department of public safety shall provide staff assistance to the [committee for] 911 service oversight **board** as necessary in order for the [committee] **board** to perform its duties pursuant to sections [650.320 to 650.340] **190.400 to 190.445**.

6. The department of public safety is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within section [650.340] **190.445**. Any rule or portion of a rule, as that term is defined in section 536.010, shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. 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, 1999, shall be invalid and void.

[650.340.] **190.445**. 1. The provisions of this section may be cited and shall be known as the "911 Training and Standards Act".

2. Initial training requirements for telecommunicators who answer 911 calls that come to public safety answering points shall be as follows:

- (1) Police telecommunicator. . . . . 16 hours;
- (2) Fire telecommunicator. . . . . 16 hours;
- (3) Emergency medical services telecommunicator. . . . . 16 hours;
- (4) Joint communication center telecommunicator. . . . . 40 hours.

3. All persons employed as a telecommunicator in this state shall be required to complete ongoing training so long as such person engages in the occupation as a telecommunicator. Such persons shall complete at least twenty-four hours of ongoing training every three years by such persons or organizations as provided in subsection 6 of this section. The reporting period for the ongoing training under this subsection shall run concurrent with the existing continuing education reporting periods for Missouri peace officers pursuant to chapter 590.

4. Any person employed as a telecommunicator on August 28, 1999, shall not be required to complete the training requirement as provided in subsection 2 of this section. Any person hired as a telecommunicator after August 28, 1999, shall complete the training requirements as provided in subsection 2 of this section within twelve months of the date such person is employed as a telecommunicator.

5. The training requirements as provided in subsection 2 of this section shall be waived for any person who furnishes proof to the [committee] **board** that such person has completed training in another state which are at least as stringent as the training requirements of subsection 2 of this section.

6. The department of public safety shall determine by administrative rule the persons or organizations authorized to conduct the training as required by subsection 2 of this section.

7. This section shall not apply to an emergency medical dispatcher or **dispatch** agency as defined in section 190.100, or a person trained by an entity accredited or certified under section 190.131, or a person who provides prearrival medical instructions who works for [an] a **dispatch** agency which meets the requirements set forth in section 190.134."; and

Further amend said bill, Page 3, Section 210.1014, Line 36, by inserting after all of said section and line, the following:

“302.291. 1. The director, having good cause to believe that an operator is incompetent or unqualified to retain his or her license, after giving ten days' notice in writing by certified mail directed to such person's present known address, may require the person to submit to an examination as prescribed by the director. Upon conclusion of the examination, the director may allow the person to retain his or her license, may suspend, deny or revoke the person's license, or may issue the person a license subject to restrictions as provided in section 302.301. If an examination indicates a condition that potentially impairs safe driving, the director, in addition to action with respect to the license, may require the person to submit to further periodic examinations. The refusal or neglect of the person to submit to an examination within thirty days after the date of such notice shall be grounds for suspension, denial or revocation of the person's license by the director, an associate circuit or circuit court. Notice of any suspension, denial, revocation or other restriction shall be provided by certified mail. As used in this section, the term "denial" means the act of not licensing a person who is currently suspended, revoked or otherwise not licensed to operate a motor vehicle. Denial may also include the act of withdrawing a previously issued license.

2. The examination provided for in subsection 1 of this section may include, but is not limited to, a written test and tests of driving skills, vision, highway sign recognition and, if appropriate, a physical and/or mental examination as provided in section 302.173.

3. The director shall have good cause to believe that an operator is incompetent or unqualified to retain such person's license on the basis of, but not limited to, a report by:

(1) Any certified peace officer;

(2) Any physician, physical therapist or occupational therapist licensed pursuant to chapter 334; any chiropractic physician licensed pursuant to chapter 331; any registered nurse licensed pursuant to chapter 335; any psychologist, social worker or professional counselor licensed pursuant to chapter 337; any optometrist licensed pursuant to chapter 336; **any emergency medical technician licensed under chapter 190**; or

(3) Any member of the operator's family within three degrees of consanguinity, or the operator's spouse, who has reached the age of eighteen, except that no person may report the same family member pursuant to this section more than one time during a twelve-month period. The report must state that the person reasonably and in good faith believes the driver cannot safely operate a motor vehicle and must be based upon personal observation or physical evidence which shall be described in the report, or the report shall be based upon an investigation by a law enforcement officer. The report shall be a written declaration in the form prescribed by the department of revenue and shall contain the name, address, telephone number, and signature of the person making the report.

4. Any physician, physical therapist or occupational therapist licensed pursuant to chapter 334, any chiropractor licensed pursuant to chapter 331, any registered nurse licensed pursuant to chapter 335, any psychologist, social worker or professional counselor licensed pursuant to chapter 337, or any optometrist licensed pursuant to chapter 336, **or any emergency medical technician licensed under chapter 190** may report to the department any patient diagnosed or assessed as having a disorder or condition that may prevent such person from safely operating a motor vehicle. Such report shall state the diagnosis or assessment and whether the condition is permanent or temporary. The existence of a physician-patient relationship shall not prevent the making of a report by such medical professionals.

5. Any person who makes a report in good faith pursuant to this section shall be immune from any civil liability that otherwise might result from making the report. Notwithstanding the provisions of chapter 610 to the contrary, all reports made and all medical records reviewed and maintained by the department of revenue pursuant to this section shall be kept confidential except upon order of a court of competent jurisdiction or in a review of the director's action pursuant to section 302.311.

6. The department of revenue shall keep records and statistics of reports made and actions taken against driver's licenses pursuant to this section.

7. The department of revenue shall, in consultation with the medical advisory board established by section 302.292, develop a standardized form and provide guidelines for the reporting of cases and for the examination of drivers pursuant to this section. The guidelines shall be published and adopted as required for rules and regulations pursuant to chapter 536. The department of revenue shall also adopt rules and regulations as necessary to carry out the other provisions of this section. The director of revenue shall provide health care professionals and law enforcement officers with information about the procedures authorized in this section. The guidelines and regulations implementing this section shall be in compliance with the federal Americans with Disabilities Act of 1990.

8. Any person who knowingly violates a confidentiality provision of this section or who knowingly permits or encourages the unauthorized use of a report or reporting person's name in violation of this section shall be guilty of a class A misdemeanor and shall be liable for damages which proximately result.

9. Any person who intentionally files a false report pursuant to this section shall be guilty of a class A misdemeanor and shall be liable for damages which proximately result.

10. All appeals of license revocations, suspensions, denials and restrictions shall be made as required pursuant to section 302.311 within thirty days after the receipt of the notice of revocation, suspension, denial or restriction.

11. Any individual whose condition is temporary in nature as reported pursuant to the provisions of subsection 4 of this section shall have the right to petition the director of the department of revenue for total or partial reinstatement of his or her license. Such request shall be made on a form prescribed by the department of revenue and accompanied by a statement from a health care provider with the same or similar license as the health care provider who made the initial report resulting in the limitation or loss of the driver's license. Such petition shall be decided by the director of the department of revenue within thirty days of receipt of the petition. Such decision by the director is appealable pursuant to subsection 10 of this section.”; and

Further amend said bill, Page 3, Section 302.790, Line 14, by inserting after all of said section, 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, Page 6, Section 306.130, Line 20, by inserting after all of said section, the following:

“320.106. As used in sections 320.106 to 320.161, unless clearly indicated otherwise, the following terms mean:

(1) "American Pyrotechnics Association (APA), Standard 87-1", or subsequent standard which may amend or supersede this standard for manufacturers, importers and distributors of fireworks;

(2) "Chemical composition", all pyrotechnic and explosive composition contained in fireworks devices as defined in American Pyrotechnics Association (APA), Standard 87-1;

(3) "Consumer fireworks", explosive devices designed primarily to produce visible or audible effects by combustion and includes aerial devices and ground devices, all of which are classified as fireworks, UN0336, [1.4G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as class C common fireworks by regulation of the United States Department of Transportation] **within 49 CFR Part 172;**

(4) "Discharge site", the area immediately surrounding the fireworks mortars used for an outdoor fireworks display;

(5) "Dispenser", a device designed for the measurement and delivery of liquids as fuel;

(6) "Display fireworks", explosive devices designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes devices containing more than two grains (130 mg) of explosive composition intended for public display. These devices are classified as fireworks, **UN0333 or UN0334 or UN0335**, [1.3G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as class B display fireworks by regulation of the United States Department of Transportation] **within 49 CFR Part 172;**

(7) "Display site", the immediate area where a fireworks display is conducted, including the discharge site, the fallout area, and the required separation distance from mortars to spectator viewing areas, but not spectator viewing areas or vehicle parking areas;

(8) "Distributor", any person engaged in the business of selling fireworks to wholesalers, jobbers, seasonal retailers, other persons, or governmental bodies that possess the necessary permits as specified in sections 320.106 to 320.161, including any person that imports any fireworks of any kind in any manner into the state of Missouri;

(9) "Fireworks", any composition or device for producing a visible, audible, or both visible and audible effect by combustion, deflagration, or detonation and that meets the definition of consumer, proximate, or display fireworks as set forth by 49 CFR Part 171 to end, United States Department of Transportation hazardous materials regulations[, and American Pyrotechnics Association 87-1 standards];

(10) "Fireworks season", the period beginning on the twentieth day of June and continuing through the tenth day of July of the same year and the period beginning on the twentieth day of December and continuing through the second day of January of the next year, which shall be the only periods of time that seasonal retailers may be permitted to sell consumer fireworks;

(11) "Jobber", any person engaged in the business of making sales of consumer fireworks at wholesale or retail within the state of Missouri to nonlicensed buyers for use and distribution outside the state of Missouri during a calendar year from the first day of January through the thirty-first day of December;

(12) "Licensed operator", any person who supervises, manages, or directs the discharge of outdoor display fireworks, either by manual or electrical means; who has met additional requirements established by promulgated rule and has successfully completed a display fireworks training course recognized and approved by the state fire marshal;

(13) "Manufacturer", any person engaged in the making, manufacture, assembly or construction of fireworks of any kind within the state of Missouri;

(14) "NFPA", National Fire Protection Association, an international codes and standards organization;

(15) "Permanent structure", buildings and structures with permanent foundations other than tents, mobile homes, and trailers;

(16) "Permit", the written authority of the state fire marshal issued pursuant to sections 320.106 to 320.161 to sell, possess, manufacture, discharge, or distribute fireworks;

(17) "Person", any corporation, association, partnership or individual or group thereof;

(18) "Proximate fireworks", a chemical mixture used in the entertainment industry to produce visible or audible effects by combustion, deflagration, or detonation, as [defined by the most current edition of the American Pyrotechnics Association (APA), Standard 87-1, section 3.8, specific requirements for theatrical pyrotechnics] **classified within 49 CFR Part 172 as UN0431 or UN0432;**

(19) "Pyrotechnic operator" or "special effects operator", an individual who has responsibility for pyrotechnic safety and who controls, initiates, or otherwise creates special effects for proximate fireworks and who has met additional requirements established by promulgated rules and has successfully completed a proximate fireworks training course recognized and approved by the state fire marshal;

(20) "Sale", an exchange of articles of fireworks for money, including barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as a principal proprietor, salesman, agent, association, copartnership or one or more individuals;

(21) "Seasonal retailer", any person within the state of Missouri engaged in the business of making sales of consumer fireworks in Missouri only during a fireworks season as defined by subdivision (10) of this section;

(22) "Wholesaler", any person engaged in the business of making sales of consumer fireworks to any other person engaged in the business of making sales of consumer fireworks at retail within the state of Missouri.

320.131. 1. It is unlawful for any person to possess, sell or use within the state of Missouri, or ship into the state of Missouri, except as provided in section 320.126, any pyrotechnics commonly known as "fireworks" and defined as consumer fireworks in subdivision (3) of section 320.106 other than items now or hereafter classified as fireworks UNO336, 1.4G by the United States Department of Transportation that comply with the construction, chemical composition, labeling and other regulations relative to consumer fireworks regulations promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public pursuant to such commission's regulations.

2. No wholesaler, jobber, or seasonal retailer, or any other person shall sell, offer for sale, store, display, or have in their possession any consumer fireworks that have not been approved as fireworks UNO336, 1.4G by the United States Department of Transportation.

3. No jobber, wholesaler, manufacturer, or distributor shall sell to seasonal retailer dealers, or any other person, in this state for the purpose of resale, or use, in this state, any consumer fireworks which do not have the numbers and letter "1.4G" printed within an orange, diamond-shaped label printed on or attached to the fireworks shipping carton.

4. This section does not prohibit a manufacturer, distributor or any other person **possessing the proper permits as specified by state and federal law** from storing, selling, shipping or otherwise transporting display or proximate fireworks[, defined as fireworks UNO335, 1.3G/UNO431, 1.4G or UNO432, 1.4S by the United States Department of Transportation, provided they possess the proper permits as specified by state and federal law].

5. Matches, toy pistols, toy canes, toy guns, party poppers, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound, provided that they are so constructed that the hand cannot come into contact with the cap when in place for use, and toy pistol paper caps which contain less than twenty-five hundredths grains of explosive mixture shall be permitted for sale and use at all times and shall not be regulated by the provisions of sections 320.106 to 320.161.

320.136. Ground salutes commonly known as "cherry bombs", "M-80's", "M-100's", "M-1000's", and any other tubular salutes or any items described as prohibited chemical components or forbidden devices as listed in the American Pyrotechnics Association Standard 87-1 or which exceed the [federal] limits set for **consumer fireworks** [UNO336, 1.4G formerly known as class C common fireworks, display fireworks UNO335, 1.3F, and proximate fireworks UNO431, 1.4F/UNO432, 1.4S by the United States Department of Transportation], **display fireworks, or proximate fireworks** for explosive composition are expressly prohibited from shipment into, manufacture, possession, sale, or use within the state of Missouri for consumer use. Possession, sale, manufacture, or transport of this type of illegal explosive shall be punished as provided by the provisions of section 571.020.

320.202. 1. There is hereby established within the department of public safety a "Division of Fire Safety", which shall have as its chief executive officer the fire marshal appointed under section 320.205. The fire marshal and the division shall be responsible for:

- (1) The voluntary training of firefighters, investigators, inspectors, and public or private employees or volunteers in the field of emergency response, rescue, fire prevention or preparedness;
- (2) Establishing and maintaining a statewide reporting system, which shall, as a minimum, include the records required by section 320.235 and a record of all fires occurring in Missouri showing:
  - (a) The name of all owners of personal and real property affected by the fire;
  - (b) The name of each occupant of each building in which a fire occurred;
  - (c) The total amount of insurance carried by, the total amount of insurance collected by, and the total amount of loss to each owner of property affected by the fire; and
  - (d) All the facts, statistics and circumstances, including, but not limited to, the origin of the fire, which are or may be determined by any investigation conducted by the division or any local firefighting agency under the laws of this state. All records maintained under this subdivision shall be open to public inspections during all normal business hours of the division;
- (3) Conducting all investigations of fires mandated by sections 320.200 to 320.270;
- (4) Conducting all fire inspections required of any private premises in order for any license relating to such private premises to be issued under any licensing law of this state, except those organizations and institutions licensed pursuant to chapter 197;
- (5) Establishing and maintaining a voluntary training and certification program based upon nationally recognized standards. A certification testing fee and recertification fee shall be established by promulgated rules and regulations by the state fire marshal under the provisions of section 536.024. Fees collected shall be deposited into the [general revenue] **fire education fund established in section 320.094.**

2. The state fire marshal shall exercise and perform all powers and duties necessary to carry out the responsibilities imposed by subsection 1 of this section, including, but not limited to, the power to contract with any person, firm, corporation, state agency, or political subdivision for services necessary to accomplish any of the responsibilities imposed by subsection 1 of this section.

3. The state fire marshal shall have the authority to promulgate rules and regulations under the provisions of section 536.024 to carry out the provisions of this section.

321.015. 1. No person holding any lucrative office or employment under this state, or any political subdivision thereof as defined in section 70.120, shall hold the office of fire protection district director under this chapter. When any fire protection district director accepts any office or employment under this state or any political subdivision thereof, his office shall thereby be vacated and he shall thereafter perform no duty and receive no salary or expenses as fire protection district director.

2. This section shall not apply to:

- (1) Members of the organized militia, of the reserve corps, public school employees and notaries public; [, or to]
- (2) Fire protection districts located wholly within counties of the second, third or fourth [class or] classification;
- (3) Fire protection districts in counties of the first classification with less than eighty-five thousand inhabitants;
- (4) Fire protection districts located within [first class] counties **of the first classification** not adjoining any other [first class] county **of the first classification**; [, nor shall this section apply to]
- (5) Fire protection districts located within any county of the first or second [class] classification not having more than nine hundred thousand inhabitants which borders any three [first class] counties **of the first classification**; [nor shall this section apply to]
- (6) Fire protection districts located within any [first class] county **of the first classification** [without a charter form of government] which adjoins both a [first class] charter county [with a charter form of government] with at least nine hundred thousand inhabitants, and adjoins at least four other counties;
- (7) **Fire protection districts located within any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants.**

The term "lucrative office or employment" does not include receiving retirement benefits, compensation for expenses, or a stipend or per diem, in an amount not to exceed seventy-five dollars for each day of service, for service rendered to a fire protection district, the state or any political subdivision thereof.

321.130. 1. A person, to be qualified to serve as a director, shall be a voter of the district at least one year before the election or appointment and be over the age of twenty-five years; except as provided in subsections 2 and 3 of this section. The person shall also be a resident of such fire protection district. In the event the person is no longer a resident of the district, the person's office shall be vacated, and the vacancy shall be filled as provided in section 321.200. Nominations and declarations of candidacy shall be filed at the headquarters of the fire protection district by paying a ten dollar filing fee and filing a statement under oath that such person possesses the required qualifications.

2. In any fire protection district located in more than one county one of which is a first class county without a charter form of government having a population of more than one hundred ninety-eight thousand and not adjoining any other first class county or located wholly within a first class county as described herein, a resident shall have been a resident of the district for more than one year to be qualified to serve as a director.

3. In any fire protection district located in a county of the third or fourth classification, a person to be qualified to serve as a director shall be over the age of twenty-five years and shall be a voter of the district for more than one year before the election or appointment, except that for the first board of directors in such district, a person need only be a voter of the district for one year before the election or appointment.

4. A person desiring to become a candidate for the first board of directors of the proposed district shall pay the sum of five dollars as a filing fee to the treasurer of the county and shall file with the election authority a statement under oath that such person possesses all of the qualifications set out in this chapter for a director of a fire protection district. Thereafter, such candidate shall have the candidate's name placed on the ballot as a candidate for director.

**5. Any director who has been found guilty of or pled guilty to any felony offense shall immediately forfeit his or her office.**

**6. No person shall be qualified to serve as a director, nor shall such person's name appear on the ballot as a candidate for such office, who shall be in arrears for any unpaid or past due county taxes.**

321.162. 1. **In addition to the qualifications prescribed by law**, all members of the board of directors of a fire protection district first elected **or appointed** on or after January 1, 2008, shall attend and complete an educational seminar or conference or other suitable training on the role and duties of a board member of a fire protection district. The training required under this section shall be conducted by an entity approved by the office of the state fire marshal. The office of the state fire marshal shall determine the content of the training to fulfill the requirements of this section. Such training shall include, at a minimum:

- (1) Information relating to the roles and duties of a fire protection district director;
- (2) A review of all state statutes and regulations relevant to fire protection districts;
- (3) State ethics laws;
- (4) State sunshine laws, chapter 610;
- (5) Financial and fiduciary responsibility;
- (6) State laws relating to the setting of tax rates; and
- (7) State laws relating to revenue limitations.

2. If any fire protection district board member fails to attend a training session within twelve months after taking office, the board member shall not be compensated for attendance at meetings thereafter until the board member has completed such training session.

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

**(1) "Residential construction", new construction and erection of detached single-family or two-family dwellings or the development of land to be used for detached single-family or two-family dwellings;**

**(2) "Residential construction regulatory system", any bylaw, ordinance, order, rule, or regulation adopted, implemented, or enforced by any city, town, village, or county that pertains to residential construction, to any permitting system, or program relating to residential construction, including but not limited to the use or occupancy by the initial occupant thereof, or to any system or program for the inspection of residential construction. Residential construction regulatory system also includes the whole or any part of a nationally recognized model code, with or without amendments specific to such city, town, village, or county.**

**2. Notwithstanding the provisions of any other law to the contrary, if a city, town, village, or county adopts or has adopted, implements, and enforces a residential construction regulatory system applicable to residential construction within its jurisdiction, any fire protection districts wholly or partly located within such city, town, village, or county shall be without power, authority, or privilege to enforce or implement a residential construction regulatory system purporting to be applicable to any residential construction within such city, town, village, or county. Any such residential construction regulatory system adopted by a fire protection district or its board shall be treated as advisory only and shall not be enforced by such fire protection district or its board.**



**3. Notwithstanding the provisions of any other law to the contrary, fire protection districts:**

**(1) Shall have final regulatory authority regarding the location and specifications of fire hydrants, fire hydrant flow rates, and fire lanes, all as it relates to residential construction. Nothing in this subdivision shall be construed to require the political subdivision supplying water to incur any costs to modify its water supply infrastructure; and**

**(2) May inspect the alteration, enlargement, replacement or repair of a detached single-family or two-family dwelling; and**

**(3) Shall not collect a fee for the services described in subdivisions (1) and (2) of this subsection.**

321.460. 1. Two or more fire protection districts may consolidate with each other in the manner hereinafter provided, and only if the districts have one or more common boundaries, in whole or in part, **or are located within the same county, in whole or in part**, as to any respective two of the districts which are so consolidating.

2. By a majority vote of each board of directors of each fire protection district included within the proposed consolidation, a consolidation plan may be adopted. The consolidation plan shall include the name of the proposed consolidated district, the legal description of the boundaries of each district to be consolidated, and a legal description of the boundaries of the consolidated district, the amount of outstanding bonds, if any, of each district proposed to be consolidated, a listing of the firehouses within each district, and the names of the districts to be consolidated.

3. Each board of the districts approving the plan for proposed consolidation shall duly certify and file in the office of the clerk of the circuit court of the county in which the district is located a copy of the plan of consolidation, bearing the signatures of those directors who vote in favor thereof, together with a petition for consolidation. The petition may be made jointly by all of the districts within the respective plan of consolidation. A filing fee of fifty dollars shall be deposited with the clerk, on the filing of the petition, against the costs of court.

4. The circuit court sitting in and for any county to which the petition is presented is hereby vested with jurisdiction, power and authority to hear the same, and to approve the consolidation and order such districts consolidated, after holding an election, as hereinafter provided.

5. If the circuit court finds the plan for consolidation to have been duly approved by the respective boards of directors of the fire protection districts proposed to be consolidated, then the circuit court shall enter its order of record, directing the submission of the question.

6. The order shall direct publication of notice of election, and shall fix the date thereof. The order shall direct that the elections shall be held to vote on the proposition of consolidating the districts and to elect three persons, having the qualifications declared in section 321.130 and being among the then directors of the districts proposed to be consolidated, to become directors of the consolidated district.

7. The question shall be submitted in substantially the following form:

Shall the ..... Fire Protection Districts and the ..... Fire Protection District be consolidated into one fire protection district to be known as the ..... Fire Protection District, with tax levies not in excess of the following amounts: maintenance fund ..... cents per one hundred dollars assessed valuation; ambulance service ..... cents per one hundred dollars assessed valuation; pension fund ..... cents per one hundred dollars assessed valuation; and dispatching fund ..... cents per one hundred dollars assessed valuation?

8. If, upon the canvass and declaration, it is found and determined that a majority of the voters of the districts voting on the proposition or propositions have voted in favor of the proposition to incorporate the consolidated district, then the court shall then further, in its order, designate the first board of directors of the consolidated district, who have been elected by the voters voting thereon, the one receiving the third highest number of votes to hold office until the first Tuesday in April which is more than one year after the date of election, the one receiving the second highest number of votes to hold office until two years after the first Tuesday aforesaid, and the one receiving the highest number of votes until four years after the first Tuesday in April as aforesaid. If any other propositions are also submitted at the election, the court, in its order, shall also declare the results of the votes thereon. If the court shall find and determine, upon the canvass and declaration, that a majority of the voters of the consolidated district have not voted in favor of the proposition to incorporate the consolidated district, then the court shall enter its order declaring the proceedings void and of no effect, and shall dismiss the same at the cost of petitioners.

321.711. 1. A recall petition shall be filed with the election authority not more than one hundred eighty days after the filing of the notice of intention.

2. The number of qualified signatures required in order to recall an officer shall be equal in number to at least [twenty-five] **twenty** percent of the number of voters who voted in the most recent gubernatorial election in that district.

3. Within twenty days from the filing of the recall petition the election authority shall determine whether or not the petition was signed by the required number of qualified signatures. The election authority shall file with the petition a certificate showing the results of the examination. The authority shall give the proponents a copy of the certificate upon their request.

4. If the election authority certifies the petition to be insufficient, it may be supplemented within ten days of the date of certificate by filing additional petition sections containing all of the information required by section 321.709 and this section. Within ten days after the supplemental copies are filed, the election authority shall file with it a certificate stating whether or not the petition as supplemented is sufficient.

5. If the certificate shows that the petition as supplemented is insufficient, no action shall be taken on it; however, the petition shall remain on file.”; and

Further amend said bill, Page 22, Section 575.080, Line 18, by inserting after all of said section and line, the following:

“577.029. A licensed physician, registered nurse, or trained **in hospital** medical technician, acting at the request and direction of the law enforcement officer, shall withdraw blood for the purpose of determining the alcohol content of the blood, unless such medical personnel, in his or her good faith medical judgment, believes such procedure would endanger the life or health of the person in custody. Blood may be withdrawn only by such medical personnel, but such restriction shall not apply to the taking of a breath test, a saliva specimen, or a urine specimen. In withdrawing blood for the purpose of determining the alcohol content thereof, only a previously unused and sterile needle and sterile vessel shall be utilized and the withdrawal shall otherwise be in strict accord with accepted medical practices. Upon the request of the person who is tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to him or her.”; and

Further amend said bill, Page 30, Section 650.120, Line 81, by inserting after all of said section, the following:

**“Section 1. 1. For purposes of this act, the term "anemometer" means an instrument for measuring and recording the speed of the wind, and the term "anemometer tower" means a structure, including all guy wires and accessory facilities, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.**

**2. Any anemometer tower that is fifty feet in height above the ground or higher, that is located outside the exterior boundaries of any municipality, and whose appearance is not otherwise mandated by state or federal law shall be marked, painted, flagged, or otherwise constructed to be recognizable in clear air during daylight hours. Any anemometer tower that was erected before the effective date of this act shall be marked as required in this section within one year after the effective date of this act. Any anemometer tower that is erected on or after the effective date of this act shall be marked as required in this section at the time it is erected. Marking required under this section includes marking the anemometer tower, guy wires, and accessory facilities as follows:**

**(1) The top one-third of the anemometer tower shall be painted in equal, alternating bands of aviation orange and white, beginning with orange at the top of the tower and ending with orange at the bottom of the marked portion of the tower;**

**(2) Two marker balls shall be attached to and evenly spaced on each of the outside guy wires;**

**(3) The area surrounding each point where a guy wire is anchored to the ground shall have a contrasting appearance with any surrounding vegetation. If the adjacent land is grazed, the area surrounding the anchor point shall be fenced. For purposes of this section, the term, area surrounding the anchor point, means an area not less than sixty-four square feet whose outer boundary is at least four feet from the anchor point; and**

**(4) One or more seven-foot safety sleeves shall be placed at each anchor point and shall extend from the anchor point along each guy wire attached to the anchor point. A violation of this section is a class C misdemeanor.**

[190.400. As used in sections 190.400 to 190.440, the following words and terms shall mean:

(1) "911", the primary emergency telephone number within the wireless system;

(2) "Board", the wireless service provider enhanced 911 advisory board;

(3) "Public safety agency", a functional division of a public agency which provides fire fighting, police, medical or other emergency services. For the purpose of providing wireless service to users of 911 emergency services, as expressly provided in this section, the department of public safety and state highway patrol shall be considered a public safety agency;

- (4) "Public safety answering point", the location at which 911 calls are initially answered;
- (5) "Wireless service provider", a provider of commercial mobile service pursuant to Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et seq).]

[190.410. 1. There is hereby created in the department of public safety the "Wireless Service Provider Enhanced 911 Advisory Board", consisting of eight members as follows:

- (1) The director of the department of public safety or the director's designee who shall hold a position of authority in such department of at least a division director;
- (2) The chairperson of the public service commission or the chairperson's designee; except that such designee shall be a commissioner of the public service commission or hold a position of authority in the commission of at least a division director;
- (3) Three representatives and one alternate from the wireless service providers, elected by a majority vote of wireless service providers licensed to provide service in this state; and
- (4) Three representatives from public safety answering point organizations, elected by the members of the state chapter of the associated public safety communications officials and the state chapter of the National Emergency Numbering Association.

2. Immediately after the board is established the initial term of membership for a member elected pursuant to subdivision (3) of subsection 1 of this section shall be one year and all subsequent terms for members so elected shall be two years. The membership term for a member elected pursuant to subdivision (4) of subsection 1 of this section shall initially and subsequently be two years. Each member shall serve no more than two successive terms unless the member is on the board pursuant to subdivision (1) or (2) of subsection 1 of this section. Members of the board shall serve without compensation, however, the members may receive reimbursement of actual and necessary expenses. Any vacancies on the board shall be filled in the manner provided for in this subsection.

3. The board shall do the following:

- (1) Elect from its membership a chair and other such officers as the board deems necessary for the conduct of its business;
- (2) Meet at least one time per year for the purpose of discussing the implementation of Federal Communications Commission order 94-102;
- (3) Advise the office of administration regarding implementation of Federal Communications Commission order 94-102; and
- (4) Provide any requested mediation service to a political subdivision which is involved in a jurisdictional dispute regarding the providing of wireless 911 services. The board shall not supersede decision-making authority of any political subdivision in regard to 911 services.

4. The director of the department of public safety shall provide and coordinate staff and equipment services to the board to facilitate the board's duties.]

[190.420. 1. There is hereby established in the state treasury a fund to be known as the "Wireless Service Provider Enhanced 911 Service Fund". All fees collected pursuant to sections 190.400 to 190.440 by wireless service providers shall be remitted to the director of the department of revenue. The director shall remit such payments to the state treasurer.

2. The state treasurer shall deposit such payments into the wireless service provider enhanced 911 service fund. Moneys in the fund shall be used for the purpose of reimbursing expenditures actually incurred in the implementation and operation of the wireless service provider enhanced 911 system.

3. Any unexpended balance in the fund shall be exempt from the provisions of section 33.080, relating to the transfer of unexpended balances to the general revenue fund, and shall remain in the fund. Any interest earned on the moneys in the fund shall be deposited into the fund.]

[190.430. 1. The commissioner of the office of administration is authorized to establish a fee, if approved by the voters pursuant to section 190.440, not to exceed fifty cents per wireless telephone number per month to be collected by wireless service providers from wireless service customers.

2. The office of administration shall promulgate rules and regulations to administer the provisions of sections 190.400 to 190.440. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated pursuant to the authority delegated in sections 190.400 to 190.440

shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. All rulemaking authority delegated prior to July 2, 1998, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to July 2, 1998, if it fully complied with the provisions of chapter 536. 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 July 2, 1998, shall be invalid and void.

3. The office of administration is authorized to administer the fund and to distribute the moneys in the wireless service provider enhanced 911 service fund for approved expenditures as follows:

(1) For the reimbursement of actual expenditures for implementation of wireless enhanced 911 service by wireless service providers in implementing Federal Communications Commission order 94-102; and

(2) To subsidize and assist the public safety answering points based on a formula established by the office of administration, which may include, but is not limited to the following:

(a) The volume of wireless 911 calls received by each public safety answering point;

(b) The population of the public safety answering point jurisdiction;

(c) The number of wireless telephones in a public safety answering point jurisdiction by zip code; and

(d) Any other criteria found to be valid by the office of administration provided that of the total amount of the funds used to subsidize and assist the public safety answering points, at least ten percent of said funds shall be distributed equally among all said public safety answering points providing said services under said section;

(3) For the reimbursement of actual expenditures for equipment for implementation of wireless enhanced 911 service by public safety answering points to the extent that funds are available, provided that ten percent of funds distributed to public safety answering points shall be distributed in equal amounts to each public safety answering point participating in enhanced 911 service;

(4) Notwithstanding any other provision of the law, no proprietary information submitted pursuant to this section shall be subject to subpoena or otherwise released to any person other than to the submitting wireless service provider, without the express permission of said wireless service provider. General information collected pursuant to this section shall only be released or published in aggregate amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to an individual wireless service provider.

4. Wireless service providers are entitled to retain one percent of the surcharge money they collect for administrative costs associated with billing and collection of the surcharge.

5. No more than five percent of the moneys in the fund, subject to appropriation by the general assembly, shall be retained by the office of administration for reimbursement of the costs of overseeing the fund and for the actual and necessary expenses of the board.

6. The office of administration shall review the distribution formula once every year and may adjust the amount of the fee within the limits of this section, as determined necessary.

7. The provisions of sections 190.307 and 190.308 shall be applicable to programs and services authorized by sections 190.400 to 190.440.

8. Notwithstanding any other provision of the law, in no event shall any wireless service provider, its officers, employees, assigns or agents, be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, an act or omission in the development, design, installation, operation, maintenance, performance or provision of 911 service or other emergency wireless two- and three-digit wireless numbers, unless said acts or omissions constitute gross negligence, recklessness or intentional misconduct. Nor shall any wireless service provider, its officers, employees, assigns, or agents be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, the release of subscriber information to any governmental entity as required under the provisions of this act unless the release constitutes gross negligence, recklessness or intentional misconduct.]

[190.440. 1. The office of administration shall not be authorized to establish a fee pursuant to the authority granted in section 190.430 unless a ballot measure is submitted and approved by the

voters of this state. The ballot measure shall be submitted by the secretary of state for approval or rejection at the general election held and conducted on the Tuesday immediately following the first Monday in November, 1998, or at a special election to be called by the governor on the ballot measure. If the measure is rejected at such general or special election, the measure may be resubmitted at each subsequent general election, or may be resubmitted at any subsequent special election called by the governor on the ballot measure, until such measure is approved.

2. The ballot of the submission shall contain, but is not limited to, the following language:

Shall the Missouri Office of Administration be authorized to establish a fee of up to fifty cents per month to be charged every wireless telephone number for the purpose of funding wireless enhanced 911 service?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

3. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are in favor of such measure, then the office of administration shall be authorized to establish a fee pursuant to section 190.430, and the fee shall be effective on January 1, 1999, or the first day of the month occurring at least thirty days after the approval of the ballot measure. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are opposed to the measure, then the office of administration shall have no power to establish the fee unless and until the measure is approved.]

[650.320. For the purposes of sections 650.320 to 650.340, the following terms mean:

(1) "Committee", the advisory committee for 911 service oversight established in section 650.325;

(2) "Public safety answering point", the location at which 911 calls are initially answered;

(3) "Telecommunicator", any person employed as an emergency telephone worker, call taker or public safety dispatcher whose duties include receiving, processing or transmitting public safety information received through a 911 public safety answering point.]; and

Further amend said bill, Page 31, Section B, Line 4, by inserting after all of said section, the following:

"Section C. Because immediate action is necessary to ensure compliance with federal regulations prior to the sale of fireworks for the Independence Day holiday, sections 320.106, 320.131, and 320.136 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and sections 320.106, 320.131, and 320.136 of section A this act shall be in full force and effect upon its passage and approval."; and

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

On motion of Representative Hinson, **House Amendment No. 11** was adopted.

Representative Pace offered **House Amendment No. 12**.

*House Amendment No. 12*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 16, Section 527.290, Line 14, by inserting after all of said line the following:

**"565.066. 1. A person commits the crime of assault of a utility worker or an employee of a mass transit system while in the scope of his or her duties in the first degree if such person attempts to kill or knowingly causes or attempts to cause serious physical injury to a utility worker or an employee of a mass transit system while in the scope of his or her duties.**

**2. As used in this section, the term "utility worker" means any employee, including any person employed under contract, of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.**

3. As used in this section, "mass transit system", includes employees of public bus and light rail companies.

4. Assault of a utility worker or an employee of a mass transit system in the first degree is a class B felony.

565.067. 1. A person commits the crime of assault of a utility worker or an employee of a mass transit system while in the scope of his or her duties in the second degree if such person:

(1) Knowingly causes or attempts to cause physical injury to a utility worker or an employee of a mass transit system while in the scope of his or her duties by means of a deadly weapon or dangerous instrument;

(2) Knowingly causes or attempts to cause physical injury to a utility worker or an employee of a mass transit system while in the scope of his or her duties by means other than a deadly weapon or dangerous instrument;

(3) Recklessly causes serious physical injury to a utility worker or an employee of a mass transit system while in the scope of his or her duties;

(4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle in this state and when so operating, acts with criminal negligence to cause physical injury to a utility worker or an employee of a mass transit system while in the scope of his or her duties;

(5) Acts with criminal negligence to cause physical injury to a utility worker or an employee of a mass transit system while in the scope of his or her duties by means of a deadly weapon or dangerous instrument;

(6) Purposely or recklessly places a utility worker or an employee of a mass transit system while in the scope of his or her duties in apprehension of immediate serious physical injury; or

(7) Acts with criminal negligence to create a substantial risk of death or serious physical injury to a utility worker or an employee of a mass transit system while in the scope of his or her duties.

2. As used in this section, the term "utility worker" means any employee, including any person employed under contract, of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.

3. As used in this section, "mass transit system", includes employees of public bus and light rail companies.

4. Assault of a utility worker or an employee of a mass transit system while in the scope of his or her duties in the second degree is a class C felony unless committed under subdivision (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class B felony.

565.068. 1. A person commits the crime of assault of a utility worker or an employee of a mass transit system while in the scope of his or her duties in the third degree if:

(1) Such person recklessly causes physical injury to a utility worker or an employee of a mass transit system while in the scope of his or her duties;

(2) Such person purposely places a utility worker or an employee of a mass transit system while in the scope of his or her duties in apprehension of immediate physical injury;

(3) Such person knowingly causes or attempts to cause physical contact with a utility worker or an employee of a mass transit system while in the scope of his or her duties without the consent of the utility worker or employee of the mass transit system.

2. As used in this section, the term "utility worker" means any employee, including any person employed under contract, of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.

3. As used in this section, "mass transit system", includes employees of public bus and light rail companies.

4. Assault of a utility worker or an employee of a mass transit system while in the scope of his or her duties in the third degree is a class A misdemeanor."; and

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

On motion of Representative Pace, **House Amendment No. 12** was adopted.

Representative Higdon offered **House Amendment No. 13**.

*House Amendment No. 13*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 2, Section 43.265, Line 19, by inserting after all of said section and line the following:

“57.104. 1. The sheriff of any county [of the first classification not having a charter form of government] may employ an attorney at law to aid and advise him **or her** in the discharge of his **or her** duties and to represent him **or her** in court. The sheriff shall set the compensation for an attorney hired pursuant to this section within the allocation made by the county commission to the sheriff's department for compensation of employees to be paid out of the general revenue fund of the county.

2. The attorney employed by a sheriff pursuant to subsection 1 of this section shall be employed at the pleasure of the sheriff.”; and

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

Speaker Pro Tem Schoeller assumed the Chair.

Representative Pollock offered **House Amendment No. 1 to House Amendment No. 13.**

*House Amendment No. 1*

*to*

*House Amendment No. 13*

AMEND House Amendment No. 13 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 1, Line 20, by inserting after all of said line, the following:

‘Further amend said bill, Page 30, Section 650.120, Line 81, by inserting after all of said section and line the following:

**“Section 1. 1. The department of transportation shall designate 1078 South Jefferson Street in Lebanon recognizing the “Independent Stave Company” as a centennial business.**

**2. Costs associated with the erection and maintenance of such recognition shall be paid by private donations.**

**Section 2. 1. The department of transportation shall designate 111 West Broadway in Bolivar recognizing “Douglas, Haun, and Heidemann, P.C.” as a centennial business.**

**2. Costs associated with the erection and maintenance of such recognition shall be paid by private donations.”; and’; and**

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

On motion of Representative Pollock, **House Amendment No. 1 to House Amendment No. 13** was adopted.

On motion of Representative Higdon, **House Amendment No. 13, as amended**, was adopted.

Representative Gatschenberger offered **House Amendment No. 14.**

*House Amendment No. 14*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 3, Section 210.1014, Line 36, by after all of said section and line inserting the following:

**“227.509. The portion of highway 64/40 between mile markers 10.2 and 12.8 in St. Charles County shall be designated the "Darrell B. Roegner Memorial Highway." Costs for such designation shall be paid by private donations.**

301.3163. Any person may apply for [special] **specialty personalized** "Don't Tread on Me" motor vehicle license plates for any vehicle such 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. Such person shall make application for the [special] **specialty personalized** license plates on a form provided by the director of revenue. The director shall then issue **specialty personalized** license plates bearing letters or numbers or a combination thereof as determined by the [advisory committee established in section 301.129] **director**, with the words "DON'T TREAD ON ME" [in place of the words "SHOW-ME STATE"] **centered on the bottom one-fourth of the plate, in bold, all capital letters, and with lettering identical to the lettering used for the word "MISSOURI" on the regular state license plate. Such words shall be no smaller than forty-eight point type. Such plates shall be tiger yellow beginning at the top and bottom, with the color fading into white in the center. All numbers and letters shall be black. The left side shall contain a reproduction of the "Gadsden Snake" in black and white, with the snake to be three inches in height and two inches wide, and sitting on green grass that is two and one-quarter inches wide. Upon payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a specialty personalized plate. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section. 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.”; and**

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

On motion of Representative Gatschenberger, **House Amendment No. 14** was adopted.

Representative Cookson offered **House Amendment No. 15.**

*House Amendment No. 15*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 6, Section 407.293, Lines 3-5, by deleting all of said lines and inserting in lieu thereof, the following:

**“magnesium.”; and**

Further amend said bill, page, and section, Line 8, by inserting after the phrase **“part of the vehicle”**, a semicolon **“;”**; and

Further amend said bill, page, and section, Line 9, by inserting after the phrase **“section 367.011”** the following:

**“; nor does it include retail jewelers”; and**

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

On motion of Representative Cookson, **House Amendment No. 15** was adopted.

Representative Flanigan offered **House Amendment No. 16.**



House Amendment No. 16

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 1, Section A, Line 8, by inserting after said line the following:

“32.028. 1. There is hereby created a department of revenue in charge of a director appointed by the governor, by and with the advice and consent of the senate. The department shall collect all taxes and fees payable to the state as provided by law **and may collect, upon referral by a state agency, debts owed to any state agency subject to section 32.420.**

2. The powers, duties and functions of the department of revenue, chapter 32 and others, are transferred by type I transfer to the department of revenue. All powers, duties and function of the collector of revenue are transferred to the director of the department by type I transfer and the position of collector of revenue is abolished.

3. The powers, duties and functions of the state tax commission, chapter 138 and others, are transferred by type III transfer to the department of revenue.

4. All of the powers, duties and functions of the state tax commission relating to administration of the corporation franchise tax, chapter 152, and others, are transferred by type I transfer to the department of revenue; provided, however, that the provision of section 138.430 relating to appeals from decisions of the director of revenue shall apply to these taxes.

5. All the powers, duties and functions of the highway reciprocity commission, chapter 301, are transferred by type II transfer to the department of revenue.

**32.058. For all years beginning after January 1, 2013, notwithstanding the certified mail provisions contained in chapters 32, 140, 142, 143, 144, 147, 148, 149, and 302, the director of revenue may choose to mail any document by first class mail only if at least one notice of deficiency or assessment is sent to the taxpayer via certified mail to the last known address.**

32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection 18 of this section.

3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

4. The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5. The ordinance or order imposing a local sales tax under the local sales tax law shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

6. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. **The director shall retain one percent of the amount of any local sales or use tax collected for cost of collection.** All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

8. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

9. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

10. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

12. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales of motor vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the residence of the purchaser and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

13. Local sales taxes imposed pursuant to the local sales tax law on the purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the seller, but shall be collected by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

14. The director of revenue and any of [his] **the director's** deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering [himself] **the director** and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

15. The director of revenue shall annually report on [his] **the director's** management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. [He] **The director** shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by him for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

16. Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by [him] **such person** under the local sales tax law or in the event a determination has been made against [him] **such person** for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against

any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

17. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

18. If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.

**32.088. 1. Beginning January 1, 2013, the possession of a statement from the department of revenue stating no tax, applicable to the business seeking to issue or renew its license, is due under chapters 142, 143, 144, 147, and 149, and that no fees are due under section 260.262 or 260.273, shall be a prerequisite to the issuance or renewal of any city or county occupation license or any state license required for conducting any business unless the owner is by law subject at least biennially to a state tax check for purposes of retaining a professional license under sections 168.071, 324.010 and 484.053. The statement of no tax due shall be dated no longer than ninety days before the date of submission for application or renewal of the city or county license.**

**2. Beginning January 1, 2013, in lieu of subsection 1 of this section, the director shall, as soon as practical thereafter, enter into an agreement with any state agency responsible for issuing any state license for conducting any business requiring the agency to provide the director of revenue with the name and Missouri tax identification number of each applicant for licensure within one month of the date the application is filed or at least one month prior to the anticipated renewal of a licensee's license. If such licensee is delinquent on any taxes under chapters 142, 143, 144, 147, and 149, or fees under section 260.262 or 260.273, the director shall then send notice to each such entity and licensee. In the case of such delinquency or failure to file, the licensee's license shall be suspended within ninety days after notice of such delinquency or failure to file, unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. The director of revenue shall, within ten business days of notification to the governmental entity issuing the license that the delinquency has been remedied or arrangements have been made to remedy such delinquency, send written notification to the licensee that the delinquency has been remedied. Tax liability paid in protest or reasonably founded disputes with such liability shall be considered paid for the purposes of this section.**

**32.383. 1. Notwithstanding the provisions of any other law to the contrary, with respect to taxes administered by the department of revenue and imposed in this chapter and chapters 143, 144, and 147, an amnesty from the assessment or payment of all penalties, additions to tax, and interest shall apply with respect to unpaid taxes or taxes due and owing reported and paid in full from August 1, 2012, to October 31, 2012, regardless of whether previously assessed, except for penalties, additions to tax, and interest paid before August 1, 2012. The amnesty shall apply only to state tax liabilities due or due but unpaid on or before December 31, 2011, and shall not extend to any taxpayer who at the time of payment is a party to any criminal investigations or to any civil or criminal litigation that is pending in any court of the United States or this state for nonpayment, delinquency, or fraud in relation to any state tax imposed by this state.**

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

**3. Amnesty shall be granted only to those taxpayers who have applied for amnesty within the period stated in this section, who have filed a tax return for each taxable period for which amnesty is requested, who**

have paid the entire balance due by October 31, 2012, and who agree to comply with state tax laws for the next eight years from the date of the agreement. No taxpayer shall be entitled to a waiver of any penalty, addition to tax, or interest under this section unless full payment of the tax due is made in accordance with rules established by the director of revenue.

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

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

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

7. All tax payments received as a result of the amnesty program established in this section, other than revenues earmarked by the Constitution of Missouri or this state's statutes, shall be deposited in the state general revenue fund. The department must track all payments received and submit a report, no later than December 31, 2012, to the speaker of the house of representatives and the president pro tem in the senate.

8. The department may promulgate rules or issue administrative guidelines as are necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 1, 2012, shall be invalid and void.

9. This section shall become effective on July 1, 2012, and shall expire on December 31, 2015.

32.385. 1. The director of revenue and the commissioner of administration may jointly enter into a reciprocal collection and offset of indebtedness agreement with the federal government, under which the State will offset from state tax refunds and from payments otherwise due to vendors and contractors providing goods or services to state departments, agencies, or other state agencies non-tax debt owed to the federal government; and the federal government will offset from federal payments to vendors, contractors, and taxpayers debt owed to the state of Missouri.

2. When used in this section, the following words, terms, and phrases are defined as set forth herein:

(1) "Federal official", a unit or official of the federal government charged with the collection of nontax liabilities payable to the federal government under 31 U.S.C. Section 3716, as amended;

(2) "Nontax liability due the state", a liability certified to the director of revenue by a state agency and shall include, but shall not be limited to, fines, fees, penalties, and other nontax assessments imposed by or payable to any state agency that is finally determined to be due and owing;

(3) "Offset agreement", the agreement authorized by this section;

(4) "Person", an individual, partnership, society, association, joint stock company, corporation, public corporation, or any public authority, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity whether appointed by a court or otherwise, and any combination of the foregoing;

(5) "Refund", an amount described as a refund of tax under the provisions of the state tax law that authorized its payment;

(6) "State agency", any department, division, board, commission, office, or other agency of the state of Missouri;

(7) "Vendor payment", any payment, other than a refund, made by the state to any person or entity, and shall include but shall not be limited to any expense reimbursement to an employee of the state; but shall not include a person's salary, wages, or pension.

3. Under the offset agreement, a federal official may:

(1) Certify to the state of Missouri the existence of a person's delinquent nontax liability owed by the person to the federal government;

(2) Request that the state of Missouri withhold any refund and vendor payment to which the person is entitled;

(3) Certify and request the state of Missouri to withhold a refund or vendor payment only if the laws of the United States:

(a) Allow the state of Missouri to enter into a reciprocal agreement with the United States, under which the federal official would be authorized to offset federal payments to collect delinquent tax and nontax debts owed to the state; and

(b) Provide for the payment of the amount withheld to the state;

(4) Retain a portion of the proceeds of any collection setoff as provided under the setoff agreement.

4. Under the offset agreement, a certification by a federal official to the state of Missouri shall include:

(1) The full name of the person and any other names known to be used by the person;

(2) The Social Security number or federal tax identification number;

(3) The amount of the nontax liability; and

(4) A statement that the debt is past due and legally enforceable in the amount certified.

5. If a person for whom a certification is received from a federal official is due a refund of Missouri tax or a vendor payment, the agreement may provide that the state of Missouri shall:

(1) Withhold a refund or vendor payment that is due a person whose name has been certified by a federal official;

(2) In accordance with the provisions of the offset agreement, notify the person of the amount withheld in satisfaction of a liability certified by a federal official;

(3) Pay to the federal official the lesser of:

(a) The entire refund or vendor payment; or

(b) The amount certified; and

(4) Pay any refund or vendor payment in excess of the certified amount to the person.

6. Under the agreement, the director of revenue shall:

(1) Certify to a federal official the existence of a person's delinquent tax or nontax liability due the state owed by the person to any state agency;

(2) Request that the federal official withhold any eligible vendor payment to which the person is entitled; and

(3) Provide for the payment of the amount withheld to the state.

7. A certification by a state agency to the director of revenue and by the director of revenue to the federal official under the offset agreement shall include:

(1) The full name and address of the person and any other names known to be used by the person;

(2) The Social Security number or tax identification number;

(3) The amount of the tax or nontax liability;

(4) A statement that the debt is past due and legally enforceable in the amount certified; and

(5) Any other information required by federal statute or regulation applicable to the collection of the debt by offset of federal payments.

8. Any other provisions of law to the contrary notwithstanding, the director of revenue and the commissioner of administration shall have the authority to enter into reciprocal agreements with any other state which extends a like comity to this state to set off offset from state tax refunds and from payments otherwise due to vendors and contractors providing goods or services to state departments, agencies, or other state agencies nontax debt for debts due the other state that extends a like comity to this state.

32.410. As used in sections 32.410 to 32.460, the following terms shall mean:

(1) "Debt", an amount owed to the state directly or through a state agency, on account of a fee, duty, lease, direct loan, loan insured or guaranteed by the state, rent, service, sale of real or personal property, overpayment, fine, assessment, penalty, restitution, damages, interest, tax, bail bond, forfeiture, reimbursement, liability owed, an assignment, recovery of costs incurred by the state, or any other source of indebtedness to the state;

(2) "Debtor", an individual, a corporation, a partnership, an unincorporated association, a limited liability company, a trust, an estate, or any other public or private entity, including a state, local, or federal government, or an Indian tribe, that is liable for a debt or against whom there is a claim for a debt;

(3) "Department", the department of revenue;

(4) "State agency", any division, board, commission, office, or other agency of the state of Missouri, including public community college districts and any state or municipal court.

32.420. 1. Notwithstanding any other provision of law to the contrary, all state agencies may refer to the department for collection debts owed to them. The department may provide collection services on debts referred to the department by a state agency. This authority shall not supersede the authority granted to the attorney general under section 27.060 or any other statute.

2. A referring agency may refer the debt to the department for collection at any time after a debt becomes delinquent and uncontested and the debtor shall have no further administrative appeal of the amount of the debt. Methods and procedures for referral shall be governed by an agreement between the referring agency and the department.

3. The collection procedures and remedies under this chapter are in addition to any other procedure or remedy available by law. If the state agency's applicable state or federal law requires the use of a particular remedy or procedure for the collection of a debt, that particular remedy or procedure shall govern the collection of that debt to the extent the procedure or remedy is inconsistent with this chapter.

4. The state agency shall send notice to the debtor by United States mail at the debtor's last known address at least twenty days before the debt is referred to the department. The notice shall state the nature and amount of the debt, identify to whom the debt is owed, and inform the debtor of the remedies available under this chapter or the state agency's own procedures.

32.430. 1. Except as otherwise provided in this section, the department shall have the authority to use all general remedies afforded creditors of this state in collection of debt as well as any remedies afforded the state agency referring the debt and to the state in general as a creditor. The department shall not have authority to prosecute or defend civil actions on behalf of any other state agency, except as necessary to defend any challenges made to actions under section 140.910 or 143.902 for a debt referred by a state agency or to prosecute an action under subsection 10 of section 140.910.

2. In addition to the remedies identified in sections 32.410 to 32.460, the department may use the collection remedies afforded under sections 140.910 and 143.902 in the collection of any state debt referred to the department.

3. The department may employ department staff and attorneys, and at the department's discretion, prosecuting attorneys and private collection agencies as authorized in sections 136.150 and 140.850 in seeking collection of debts referred to the department by a state agency.

32.440. 1. The department shall add to the amount of debt referred to the department by a state agency the cost of collection which shall be ten percent of the total debt referred by the state agency. The department shall have the same authority to collect the cost of collection as the department has in collecting the debt referred by the state agency.

2. The cost of collection shall only be waived when:

(1) Within thirty days after the initial notice to the debtor by the department, the debtor establishes to the department reasonable cause for the failure to pay the debt prior to referral of the debt to the department, enters into an agreement satisfactory to the department to pay the debt in full, and fully abides by the terms of that agreement;

(2) A good faith dispute as to the legitimacy or the amount of the debt exists, and payment is remitted or an agreement satisfactory to the department to pay the debt in full is entered into within thirty days after resolution of the dispute, and the debtor fully abides by the terms of that agreement; or

(3) Collection costs have been added by the state agency and are included in the amount of the referred debt.

3. If the department collects an amount less than the total due, the payment shall be applied proportionally to collection costs and the underlying debt unless the department has waived this requirement for certain categories of debt. Collection costs collected by the department under this section shall be deposited in the general revenue fund.

32.450. The department may compromise state debt referred to the department in accordance with section 32.378 and any agreement with the referring agency.

32.460. The department and state agencies, including the judiciary, may exchange such information, including the debtor's Social Security number, as is necessary for the successful collection of the state debt referred. The referring agency shall follow all applicable federal and state laws regarding the confidentiality of information and records regarding the debtor. The confidentiality laws applicable to the particular information

**received and retained by each agency shall apply to the employees of such state agency and to the department when such information has been forwarded to the department.”; and**

Further amend said bill, Page 2, Section 43.265, Line 19, by inserting after all of said section, the following:

“105.716. 1. Any investigation, defense, negotiation, or compromise of any claim covered by sections 105.711 to 105.726 shall be conducted by the attorney general; provided, that in the case of any claim against the department of conservation, the department of transportation or a public institution which awards baccalaureate degrees, or any officer or employee of such department or such institution, any investigation, defense, negotiation, or compromise of any claim covered by sections 105.711 to 105.726 shall be conducted by legal counsel provided by the respective entity against which the claim is made or which employs the person against whom the claim is made.

In the case of any payment from the state legal expense fund based upon a claim or judgment against the department of conservation, the department of transportation or any officer or employee thereof, the department so affected shall immediately transfer to the state legal expense fund from the department funds a sum equal to the amount expended from the state legal expense fund on its behalf.

2. All persons and entities protected by the state legal expense fund shall cooperate with the attorneys conducting any investigation and preparing any defense under the provisions of sections 105.711 to 105.726 by assisting such attorneys in all respects, including the making of settlements, the securing and giving of evidence, and the attending and obtaining witness to attend hearings and trials. Funds in the state legal expense fund shall not be used to pay claims and judgments against those persons and entities who do not cooperate as required by this subsection.

3. The provisions of sections 105.711 to 105.726 notwithstanding, the attorney general may investigate, defend, negotiate, or compromise any claim covered by sections 105.711 to 105.726 against any public institution which awards baccalaureate degrees whose governing body has declared a state of financial exigency.

4. Notwithstanding the provisions of subsection 2 of section 105.711, funds in the state legal expense fund may be expended prior to the payment of any claim or any final judgment to pay costs of defense, including reasonable attorney's fees for retention of legal counsel, when the attorney general determines that a conflict exists or particular expertise is required, and also to pay for related legal expenses including medical examination fees, expert witness fees, court reporter expenses, travel costs and ancillary legal expenses incurred prior to the payment of a claim or any final judgment.

**5. Notwithstanding any other provision of law to the contrary, except for payments of less than ten thousand dollars for property damage, no funds shall be expended from the state legal expense fund for settlement of any liability claim except upon the production of a no tax due statement from the department of revenue by the party making claim or having judgment under section 105.711, which shall be satisfied from such fund. If the party is found by the director of revenue to owe a delinquent tax debt to the state of Missouri under the revenue laws of this state, after the payment of attorney's fees and expenses associated with liability of the fund to the party, any remaining funds to be paid to the party from the state legal expense fund shall be offset to satisfy such tax debt before payment is made to the party making claim or having judgment.**

**140.910. 1. In addition to any other remedy provided by law for the collection of delinquent taxes due the state of Missouri, if the director has filed a certificate of lien in the circuit court as provided by section 143.902, 144.380, or 144.690, the director or the director's designee may issue an order directing any person, after the payment of attorney fees and expenses associated with creating the proceeds belonging to, due, or to become due to the taxpayer, to withhold and pay over to the department assets belonging to, due, or to become due the taxpayer. The director or the director's designee shall not issue the administrative garnishment if the taxpayer has entered into a written agreement with the department for an alternative payment arrangement and the taxpayer is in compliance with the agreement.**

**2. An order entered under this section shall be served on the person or other legal entity either by regular mail or by certified mail, return receipt requested, or may be issued through electronic means, and shall be binding on the employer or other payor two weeks after mailing or electronic issuance of such service. The person or other entity in possession of assets belonging to, due, or to become due the taxpayer may deduct an additional sum not to exceed six dollars per month as reimbursement for costs, except that the total amount withheld shall not exceed the limitations contained in the federal Consumer Credit Protection Act, 15 U.S.C. Section 1673, as amended.**

**3. A copy of the order shall be mailed to the taxpayer at the taxpayer's last known address. The notice shall advise the taxpayer that the administrative garnishment has commenced and the procedures to contest such**

garnishment on the grounds that such garnishment is improper due to a mistake of fact by requesting a hearing within thirty days from mailing or electronic issuance of the notice. At such a hearing the certified records of the department shall constitute prima facie evidence that the director's order is valid and enforceable. If a prima facie case is established, the obligor may only assert as a defense mistake as to the identity of the taxpayer, mistake as to payments made, or existence of an alternative payment agreement for which no default has occurred. The taxpayer shall have the burden of proof on such issues. The taxpayer may obtain relief from the garnishment by paying the amount owed.

4. An employer or other payor shall withhold from the earnings or other income of each taxpayer the amount specified in the order. The employer or other payor shall transmit the payments as directed in the order within ten business days of the date the earnings, money due, or other income was payable to the taxpayer. For purposes of this section, "business day" means a day that state offices are open for regular business. The employer or other payor shall, along with the amounts transmitted, provide the date the amount was withheld from the taxpayer.

5. An order issued under subsection 1 of this section shall be a continuing order and shall remain in effect and be binding upon any employer or other payor upon whom it is directed until a further order of the director. The director shall notify an employer or other payor upon whom such an order has been directed whenever the deficiency is paid in full.

6. If the order is served on a person other than an employer or other payor, it shall be a lien against any money belonging to the taxpayer that is in the possession of the person on the date of service. The person other than an employer or other payor shall pay over any assets within ten business days of the service date of the order. A financial institution ordered to surrender an account shall be entitled to collect its normally scheduled account activity surcharges to maintain the account during the period of time the account is garnished. For purposes of this section, the interest of the taxpayer in any joint financial accounts shall be presumed to be equal to all other joint owners.

7. An order issued under subsection 1 of this section shall have priority over any other legal process under state law against the same income or other asset, except that where the other legal process is an order issued under section 452.350, 454.505, or 454.507, the withholding for child support shall have priority.

8. No person who complies with an order entered under this section shall be liable to the taxpayer, or to any other person claiming rights derived from the taxpayer, for wrongful withholding. A person who fails or refuses to withhold or pay the amounts as ordered under this section shall be liable to the state in a sum equal to the value of the wages or property not surrendered, but not to exceed the amount of tax deficiency. The director is hereby authorized to bring an action in circuit court to determine the liability of a person for failure to withhold or pay the amounts as ordered. If a court finds that a violation has occurred, the court may fine the person in an amount not to exceed five hundred dollars. The court may also enter a judgment against the person or other legal entity for the amounts to be withheld or paid, court costs, and reasonable attorney's surcharges.

9. The remedy provided by this section shall be available where the state or any of its political subdivisions is the employer or other payor of the taxpayer in the same manner and to the same extent as where the employer or other payor is a private party.

10. An employer shall not discharge, or refuse to hire or otherwise discipline, an employee as a result of an order to withhold and pay over certain money authorized by this section. If any such employee is discharged within thirty days of the date upon which an order to withhold and pay over certain money is to take effect, there shall arise a rebuttable presumption that such discharge was a result of such order. This presumption shall be overcome only by clear, cogent, and convincing evidence produced by the employer that the employee was not terminated because of the order to withhold and pay over certain money. The director or the director's designee is hereby authorized to bring an action in circuit court to determine whether the discharge constitutes a violation of this subsection. If the court finds that a violation has occurred, the court may enter an order against the employer requiring reinstatement of the employee and may fine the employer in an amount not to exceed five hundred dollars. Further, the court may enter judgment against the employer for the back wages, costs, attorney's surcharges, and for the amount of taxes that should have been withheld and paid over during the period of time the employee was wrongfully discharged.

11. If a taxpayer for whom an order to withhold has been issued under subsection 1 of this section terminates the taxpayer's employment, the employer shall, within ten days of the termination, notify the department of the termination, shall provide to the department the last known address of the taxpayer, if known to the employer, and shall provide to the department the name and address of the taxpayer's new employer, if known. The director or the director's designee may issue an order to the new employer as provided in subsection 1 of this section.



**12. For purposes of this section, "assets" include, but are not limited to, currency, any financial account or other liquid asset, and any income or other periodic form of payment due to a taxpayer regardless of source, including, but not limited to, wages, salaries, commissions, bonuses, workers' compensation benefits, disability benefits, payments pursuant to a pension or a retirement program, and interest.**

144.190. 1. If a tax has been incorrectly computed by reason of a clerical error or mistake on the part of the director of revenue, such fact shall be set forth in the records of the director of revenue, and the amount of the overpayment shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.525, and the balance shall be refunded to the person legally obligated to remit the tax, such person's administrators or executors, as provided for in section 144.200.

2. If any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.525, and the balance, with interest as determined by section 32.065, shall be refunded to the person legally obligated to remit the tax, but no such credit or refund shall be allowed unless duplicate copies of a claim for refund are filed within three years from date of overpayment. **If a taxpayer applying for a refund under the provisions of this section submits a written request for the director to hold a refund claim unprocessed pending the outcome of legal proceedings on the same or similar grounds or transactions, and agrees that the taxpayer's claim will be bound by the outcome of such legal proceeding should the outcome of such proceeding be adverse to the taxpayer's position, the director shall hold such refund claim unprocessed pending the outcome of such legal proceedings on the same or similar grounds or transactions. Notwithstanding any provision of section 32.069 to the contrary, interest shall not accrue on any refund for the time period such refund claim is held at the request of the taxpayer applying for a refund under the provisions of this subsection. If the seller did not file a return with the director for the period for which the refund is claimed and remit payment as shown on the return, the director shall not issue the refund to the purchaser.**

3. Every claim for refund must be in writing and signed by the applicant, and must state the specific grounds upon which the claim is founded. Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered in any action brought by the director of revenue against the person legally obligated to remit the tax. In the event that a tax has been illegally imposed against a person legally obligated to remit the tax, the director of revenue shall authorize the cancellation of the tax upon the director's record.

**4. Notwithstanding the provisions of section 32.057, a purchaser that originally paid sales or use tax to a vendor or seller may submit a refund claim directly to the director of revenue for such sales or use taxes paid to such vendor or seller and remitted to the director, provided no sum shall be refunded more than once, any such claim shall be subject to any offset, defense, or other claim the director otherwise would have against either the purchaser or vendor or seller, and such claim for refund is accompanied by either:**

**(1) A notarized assignment of rights statement by the vendor or seller to the purchaser allowing the purchaser to seek the refund on behalf of the vendor or seller. An assignment of rights statement shall contain the Missouri sales or use tax registration number of the vendor or seller, a list of the transactions covered by the assignment, the tax periods and location for which the original sale was reported to the director of revenue by the vendor or seller, and a notarized statement signed by the vendor or seller affirming that the vendor or seller has not received a refund or credit, will not apply for a refund or credit of the tax collected on any transactions covered by the assignment, and authorizes the director to amend the seller's return to reflect the refund; or**

**(2) In the event the vendor or seller fails or refuses to provide an assignment of rights statement within sixty days from the date of such purchaser's written request to the vendor or seller, or the purchaser is not able to locate the vendor or seller or the vendor or seller is no longer in business, the purchaser may provide the director a notarized statement confirming the efforts that have been made to obtain an assignment of rights from the vendor or seller. Such statement shall contain a list of the transactions covered by the assignment, the tax periods and location for which the original sale was reported to the director of revenue by the vendor or seller.**

The director shall not require such vendor, seller, or purchaser to submit amended returns for refund claims submitted under the provisions of this subsection. Notwithstanding the provisions of section 32.057, if the seller is registered with the director for collection and remittance of sales tax, the director shall notify the seller at the seller's last known address of the claim for refund. If the seller objects to the refund within thirty days of the date of the notice, the director shall not pay the refund. If the seller agrees that the refund is warranted or fails to respond within thirty days, the director may issue the refund and amend the seller's return to reflect the refund. For purposes of section 32.069, the refund claim shall not be considered to have been filed until the seller agrees

that the refund is warranted or thirty days after the date the director notified the seller and the seller failed to respond.

**5.** Notwithstanding the provisions of section 32.057, when a vendor files a refund claim on behalf of a purchaser and such refund claim is denied by the director, notice of such denial and the reason for the denial shall be sent by the director to the vendor and each purchaser whose name and address is submitted with the refund claim form filed by the vendor. A purchaser shall be entitled to appeal the denial of the refund claim within sixty days of the date such notice of denial is mailed by the director as provided in section 144.261. The provisions of this subsection shall apply to all refund claims filed after August 28, 2012. The provisions of this subsection allowing a purchaser to appeal the director's decision to deny a refund claim shall also apply to any refund claim denied by the director on or after January 1, 2007, if an appeal of the denial of the refund claim is filed by the purchaser no later than September 28, 2012, and if such claim is based solely on the issue of the exemption of the electronic transmission or delivery of computer software.

**6.** Notwithstanding the provisions of this section, the director of revenue shall authorize direct-pay agreements to purchasers which have annual purchases in excess of seven hundred fifty thousand dollars pursuant to rules and regulations adopted by the director of revenue. For the purposes of such direct-pay agreements, the taxes authorized pursuant to chapters 66, 67, 70, 92, 94, 162, 190, 238, 321, and 644 shall be remitted based upon the location of the place of business of the purchaser.

[5.] **7.** Special rules applicable to error corrections requested by customers of mobile telecommunications service are as follows:

(1) For purposes of this subsection, the terms "customer", "home service provider", "place of primary use", "electronic database", and "enhanced zip code" shall have the same meanings as defined in the Mobile Telecommunications Sourcing Act incorporated by reference in section 144.013;

(2) Notwithstanding the provisions of this section, if a customer of mobile telecommunications services believes that the amount of tax, the assignment of place of primary use or the taxing jurisdiction included on a billing is erroneous, the customer shall notify the home service provider, in writing, within three years from the date of the billing statement. The customer shall include in such written notification the street address for the customer's place of primary use, the account name and number for which the customer seeks a correction of the tax assignment, a description of the error asserted by the customer and any other information the home service provider reasonably requires to process the request;

(3) Within sixty days of receiving the customer's notice, the home service provider shall review its records and the electronic database or enhanced zip code to determine the customer's correct taxing jurisdiction. If the home service provider determines that the review shows that the amount of tax, assignment of place of primary use or taxing jurisdiction is in error, the home service provider shall correct the error and, at its election, either refund or credit the amount of tax erroneously collected to the customer for a period of up to three years from the last day of the home service provider's sixty-day review period. If the home service provider determines that the review shows that the amount of tax, the assignment of place of primary use or the taxing jurisdiction is correct, the home service provider shall provide a written explanation of its determination to the customer.

[6.] **8.** For all refund claims submitted to the department of revenue on or after September 1, 2003, notwithstanding any provision of this section to the contrary, if a person legally obligated to remit the tax levied pursuant to sections 144.010 to 144.525 has received a refund of such taxes for a specific issue and submits a subsequent claim for refund of such taxes on the same issue for a tax period beginning on or after the date the original refund check issued to such person, no refund shall be allowed. This subsection shall not apply and a refund shall be allowed if an additional refund claim is filed due to any of the following:

- (1) Receipt of additional information or an exemption certificate from the purchaser of the item at issue;
- (2) A decision of a court of competent jurisdiction or the administrative hearing commission; or
- (3) Changes in regulations or policy by the department of revenue.

[7.] **9.** Notwithstanding any provision of law to the contrary, the director of revenue shall respond to a request for a binding letter ruling filed in accordance with section 536.021 within sixty days of receipt of such request. If the director of revenue fails to respond to such letter ruling request within sixty days of receipt by the director, the director of revenue shall be barred from pursuing collection of any assessment of sales or use tax with respect to the issue which is the subject of the letter ruling request. For purposes of this subsection, the term "letter ruling" means a written interpretation of law by the director to a specific set of facts provided by a specific taxpayer or his or her agent.

[8.] **10.** If any tax was paid more than once, was incorrectly collected, or was incorrectly computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.510, against any deficiency or tax due discovered through an audit of the person by the department of revenue through adjustment during the same tax filing period for which the audit applied.”; and

Further amend said bill, Page 31, Section B, Line 4, by inserting after all of said section, the following:

“Section C. Because immediate action is necessary to secure adequate state revenue, the enactment of section 32.383 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 32.383 of this act shall be in full force and effect upon its passage and approval.”; and

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

On motion of Representative Flanigan, **House Amendment No. 16** was adopted.

On motion of Representative Cookson, **HCS SS SCS SB 755, as amended**, was adopted.

On motion of Representative Cookson, **HCS SS SCS SB 755, as amended**, was read the third time and passed by the following vote:

AYES: 100

|              |             |                |            |           |
|--------------|-------------|----------------|------------|-----------|
| Allen        | Atkins      | Aull           | Bahr       | Barnes    |
| Bernskoetter | Berry       | Black          | Brandom    | Brown 50  |
| Brown 116    | Carlson     | Casey          | Cauthorn   | Cierpiot  |
| Conway 27    | Cookson     | Cox            | Crawford   | Cross     |
| Davis        | Denison     | Diehl          | Elmer      | Entlicher |
| Fallert      | Fisher      | Fitzwater      | Flanigan   | Fraker    |
| Franz        | Frederick   | Gatschenberger | Gosen      | Grisamore |
| Haefner      | Hampton     | Higdon         | Hinson     | Hodges    |
| Hoskins      | Hubbard     | Johnson        | Jones 89   | Jones 117 |
| Kander       | Keeney      | Kelley 126     | Kelly 24   | Kirkton   |
| Koenig       | Kratky      | Lair           | Lampe      | Lant      |
| Largent      | Leara       | Lichtenegger   | Loehner    | Long      |
| McCaherty    | McGeoghegan | McGhee         | McManus    | McNeil    |
| Meadows      | Molendorp   | Nance          | Nasheed    | Neth      |
| Pace         | Phillips    | Pollock        | Quinn      | Redmon    |
| Reiboldt     | Richardson  | Riddle         | Ruzicka    | Sater     |
| Schad        | Scharnhorst | Schieber       | Schieffer  | Schoeller |
| Schupp       | Shively     | Shumake        | Silvey     | Smith 150 |
| Spreng       | Still       | Stream         | Swearingen | Swinger   |
| Wallingford  | Wells       | Weter          | Wright     | Zerr      |

NOES: 045

|            |             |              |               |          |
|------------|-------------|--------------|---------------|----------|
| Anders     | Asbury      | Brown 85     | Burlison      | Carter   |
| Colona     | Conway 14   | Curtman      | Day           | Dugger   |
| Ellinger   | Ellington   | Fuhr         | Guernsey      | Harris   |
| Holsman    | Jones 63    | Klippenstein | Korman        | Lasater  |
| Leach      | Marshall    | May          | McCann Beatty | McCreery |
| Montecillo | Morgan      | Newman       | Nichols       | Oxford   |
| Parkinson  | Pierson     | Rizzo        | Rowland       | Smith 71 |
| Solon      | Sommer      | Talboy       | Taylor        | Thomson  |
| Torpey     | Walton Gray | Webb         | White         | Wyatt    |

PRESENT: 001

Sifton

## 2547 *Journal of the House*

ABSENT WITH LEAVE: 017

|          |            |          |            |          |
|----------|------------|----------|------------|----------|
| Brattin  | Dieckhaus  | Franklin | Funderburk | Hough    |
| Houghton | Hughes     | Hummel   | Lauer      | McDonald |
| McNary   | Nolte      | Schatz   | Schneider  | Webber   |
| Wieland  | Mr Speaker |          |            |          |

Speaker Pro Tem Schoeller declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 113

|             |              |               |              |                |
|-------------|--------------|---------------|--------------|----------------|
| Allen       | Anders       | Atkins        | Aull         | Bahr           |
| Barnes      | Bernskoetter | Black         | Brandom      | Brown 50       |
| Brown 85    | Brown 116    | Carlson       | Casey        | Cauthorn       |
| Conway 27   | Cookson      | Cox           | Crawford     | Cross          |
| Davis       | Day          | Denison       | Diehl        | Ellinger       |
| Elmer       | Entlicher    | Fallert       | Fisher       | Fitzwater      |
| Flanigan    | Fraker       | Frederick     | Fuhr         | Gatschenberger |
| Gosen       | Grisamore    | Haefner       | Hampton      | Harris         |
| Higdon      | Hinson       | Hodges        | Hoskins      | Hubbard        |
| Johnson     | Jones 89     | Jones 117     | Kander       | Keeney         |
| Kelley 126  | Kelly 24     | Kirkton       | Klippenstein | Koenig         |
| Korman      | Kratky       | Lair          | Lampe        | Lant           |
| Largent     | Leach        | Leara         | Lichtenegger | Loehner        |
| Long        | McCaherty    | McCann Beatty | McGeoghegan  | McGhee         |
| McManus     | McNeil       | Meadows       | Molendorp    | Morgan         |
| Nance       | Nasheed      | Neth          | Nichols      | Oxford         |
| Pace        | Phillips     | Pollock       | Quinn        | Redmon         |
| Richardson  | Rowland      | Ruzicka       | Sater        | Schad          |
| Scharnhorst | Schieffer    | Schneider     | Schoeller    | Schupp         |
| Shively     | Shumake      | Sifton        | Silvey       | Smith 150      |
| Solon       | Spreng       | Still         | Stream       | Swinger        |
| Taylor      | Wallingford  | Wells         | Weter        | White          |
| Wright      | Zerr         | Mr Speaker    |              |                |

NOES: 031

|            |            |          |           |             |
|------------|------------|----------|-----------|-------------|
| Asbury     | Berry      | Burlison | Carter    | Colona      |
| Conway 14  | Curtman    | Dugger   | Ellington | Guernsey    |
| Holsman    | Jones 63   | Lasater  | Marshall  | May         |
| McCreery   | Montecillo | Newman   | Parkinson | Pierson     |
| Riddle     | Rizzo      | Schieber | Smith 71  | Sommer      |
| Swearingen | Talboy     | Thomson  | Torpey    | Walton Gray |
| Webb       |            |          |           |             |

PRESENT: 000

ABSENT WITH LEAVE: 019

|            |          |           |          |          |
|------------|----------|-----------|----------|----------|
| Brattin    | Cierpiot | Dieckhaus | Franklin | Franz    |
| Funderburk | Hough    | Houghton  | Hughes   | Hummel   |
| Lauer      | McDonald | McNary    | Nolte    | Reiboldt |
| Schatz     | Webber   | Wieland   | Wyatt    |          |

**BILLS CARRYING REQUEST MESSAGES**

**HCS#2 SCS SB 729, as amended**, relating to political subdivisions, was taken up by Representative Kelly (24).

Representative Kelly (24) moved that the House refuse to recede from its position on **HCS#2 SCS SB 729, as amended**, and grant the Senate a conference.

Which motion was adopted.

**HCS SCS SB 510, as amended**, relating to political subdivisions, was taken up by Representative Diehl.

Representative Diehl moved that the House refuse to recede from its position on **HCS SCS SB 510, as amended**, and grant the Senate a conference.

Which motion was adopted.

**SB 564, with House Amendment No. 1, House Amendment No. 2, as amended, House Amendment No. 3, House Amendment No. 4, House Amendment No. 6 and House Amendment No. 8**, relating to motorcycle rider training, was taken up by Representative Davis.

Representative Davis moved that the House grant the Senate a further conference on **SB 564, with House Amendment No. 1, House Amendment No. 2, as amended, House Amendment No. 3, House Amendment No. 4, House Amendment No. 6 and House Amendment No. 8**.

Which motion was adopted.

**APPOINTMENT OF CONFERENCE COMMITTEE**

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

**SS#2 SCS HB 1170:** Representatives Franz, Zerr, Richardson, Talboy and Rizzo

**BILL CARRYING REQUEST MESSAGE**

**HCS SB 636, as amended**, relating to judicial procedures, was taken up by Representative Diehl.

Representative Diehl moved that the House refuse to grant the Senate a further conference and request the Senate to take up and pass the Conference Committee Report on **HCS SB 636, as amended**.

Which motion was adopted.

### THIRD READING OF SENATE BILLS

**HCS SCS SB 722**, relating to the Iran Energy Divestment Act, was taken up by Representative Jones (89).

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

#### *House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 722, Page 2, Section 34.225, Line 22, by inserting after the phrase “**person that**” on said line, the word “**directly**”; and

Further amend said bill, page and section, Line 23, by inserting after the word “**person**” on said line, the word “**directly**”; and

Further amend said bill, page, and section, Line 25, by deleting the phrase “**has an investment of**” on said line and inserting in lieu thereof the phrase “**directly invests**”; and

Further amend said bill, page, and section, Lines 30-32, by deleting all of said lines and inserting in lieu thereof the following:

**“(c) The person is a financial institution that directly provides a commercial loan of twenty million dollars or more to another person, for forty-five days or more, if such financial institution had actual knowledge that such person would use the proceeds from the commercial loan to invest in the energy sector in Iran;”**; and

Further amend said bill, page, and section, Lines 41-42, by deleting the phrase “**or within the previous three years has had**” on said lines and inserting in lieu thereof the word “**has**”; and

Further amend said bill, page, and section, Line 43, by inserting after the period “.” on said line, the following:

**“A person may rely on one or more lists of persons engaging in investment activities in the energy sector in Iran developed by other states acting under the authority of the Federal Comprehensive Iran Sanctions Accountability and Divestment Act of 2010 when certifying that it is not a proscribed investor.”**; and

Further amend said bill, page, and section, Lines 46-47, by deleting the phrase “**, upon such report or any complaint from any individual, shall**” on said lines and inserting in lieu thereof the phrase “**has the sole authority to**”; and

Further amend said bill, page, and section, Line 49, by inserting after the period “.” on said line, the following:

**“No private right of action is created by this section.”**; and

Further amend said bill, Page 3, Section 34.225, Line 67, by inserting after the phrase “**ceases its**” on said line, the word “**direct**”; and

Further amend said bill, page, and section, Line 69, by inserting after the word “**demonstrate**” on said line, the phrase “**in writing**”; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 722, Page 3, Section 34.225, Line 73, by inserting after all of said section and line the following:

**“262.975. 1. The department of economic development shall build and maintain, by contract or otherwise, a Missouri solar panel manufacturing website with search engine optimization technology. Such website shall contain content licensed by the department to promote the benefits of locating a solar panel manufacturing facility in Missouri.**

**2. The website shall be designed to attract domestic or international solar panel manufacturers to Missouri. The department must provide links to the new website from at least three other department of economic development websites, and must include content explaining the benefits of manufacturing solar panels in Missouri.**

**3. The state of Missouri retains ownership of all content on the website. The website developer is authorized to:**

**(1) Use all informational content provided by the department of economic development, and apply search engine optimization to the website content to achieve a high search engine ranking; and**

**(2) Sell advertising on the website to any entity that will benefit from marketing to domestic or international solar panel manufacturers. The website developer shall be solely responsible for all costs associated with the development, marketing, and maintenance of the website, with the website developer retaining all advertising revenues obtained from such website to provide the financing for such website.**

**4. If contacted, the website developer shall:**

**(1) Have proven experience and expertise in search engine optimization, as determined by the department;**

**(2) Demonstrate prior experience with website development projects which increased search engine rankings for the client.**

**5. If contacted, the department of economic development, shall review all applications and award one annual contract for the development, design, marketing, and maintenance of the solar panel manufacturer website, with annual renewals for continuing upgrades, marketing, and maintenance of the website. The department shall have the authority to terminate any contract under this section at the department's discretion. Any website developer under contract with the department may have a contract terminated for failure to operate under the department's guidelines for the website. If a contract is terminated, the department shall award a new contract in accordance with the procedures for awarding the initial contract under this section.**

**6. The department of economic development may promulgate rules necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly 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.”; and**

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

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

*House Amendment No. 1*

*to*

*House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 722, Page 2, Line 13, by inserting after all of said line the following:

‘Further amend said bill, Section 67.2010, Page 13, Line 8, by inserting after all of said section and line the following:

"71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing body of any city, town or village may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city, town or village pursuant to this section. The term "contiguous and compact" does not include a situation whereby the unincorporated area proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town or village so that the boundaries of the city, town or village after annexation would leave unincorporated areas between the annexed area and the prior boundaries of the city, town or village connected only by such railroad line, trail, pipeline or other such strip of real property. The term "contiguous and compact" does not prohibit voluntary annexations pursuant to this section merely because such voluntary annexation would create an island of unincorporated area within the city, town or village, so long as the owners of the unincorporated island were also given the opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions of this section, the governing body of any city, town or village in any county of the third classification which borders a county of the fourth classification, a county of the second classification and **the** Mississippi River may annex areas along a road or highway up to two miles from existing boundaries of the city, town or village or the governing body in any city, town or village in any county of the third classification without a township form of government with a population of at least twenty-four thousand inhabitants but not more than thirty thousand inhabitants and such county contains a state correctional center may voluntarily annex such correctional center pursuant to the provisions of this section if the correctional center is along a road or highway within two miles from the existing boundaries of the city, town or village.

2. (1) When a [verified] **notarized** petition, requesting annexation and signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, or a request for annexation signed under the authority of the governing body of any common interest community and approved by a majority vote of unit owners located within the area proposed to be annexed is presented to the governing body of the city, town or village, the governing body shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after the petition is received, and the hearing shall be held not less than seven days after notice of the hearing is published in a newspaper of general circulation qualified to publish legal matters and located within the boundary of the petitioned city, town or village. If no such newspaper exists within the boundary of such city, town or village, then the notice shall be published in the qualified newspaper nearest the petitioned city, town or village. For the purposes of this subdivision, the term "common-interest community" shall mean a condominium as said term is used in chapter 448, or a common-interest community, a cooperative, or a planned community.

(a) A "common-interest community" shall be defined as real property with respect to which a person, by virtue of such person's ownership of a unit, is obliged to pay for real property taxes, insurance premiums, maintenance or improvement of other real property described in a declaration. "Ownership of a unit" does not include a leasehold interest of less than twenty years in a unit, including renewal options;

(b) A "cooperative" shall be defined as a common-interest community in which the real property is owned by an association, each of whose members is entitled by virtue of such member's ownership interest in the association to exclusive possession of a unit;

(c) A "planned community" shall be defined as a common-interest community that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

(2) At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed annexation.

If, after holding the hearing, the governing body of the city, town or village determines that the annexation is reasonable and necessary to the proper development of the city, town or village, and the city, town or village has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance without further action.

(3) If a written objection to the proposed annexation is filed with the governing body of the city, town or village not later than fourteen days after the public hearing by at least five percent of the qualified voters of the city, town or village, or two qualified voters of the area sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015 and 71.860 to 71.920, shall be followed.

3. If no objection is filed, the city, town or village shall extend its limits by ordinance to include such territory, specifying with accuracy the new boundary lines to which the city's, town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city, town or village shall cause three certified copies of the same to be filed with the county assessor and the clerk of the county wherein the city, town or village is located, and one certified copy to be filed with the election authority, if different from the clerk of the county which has jurisdiction over the area being annexed, whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of the limits of that city, town or village as so extended.



**4. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section or seeking, in any way, to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within three years of the date of adoption of the annexation ordinance.**

71.014. 1. Notwithstanding the provisions of section 71.015, the governing body of any city, town, or village which is located within a county which borders a county of the first classification with a charter form of government with a population in excess of six hundred fifty thousand, proceeding as otherwise authorized by law or charter, may annex unincorporated areas which are contiguous and compact to the existing corporate limits upon [verified] **notarized** petition requesting such annexation signed by the owners of all fee interests of record in all tracts located within the area to be annexed.

**2. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section or seeking, in any way, to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within three years of the date of adoption of the annexation ordinance.**

71.015. 1. Should any city, town, or village, not located in any county of the first classification which has adopted a constitutional charter for its own local government, seek to annex an area to which objection is made, the following shall be satisfied:

(1) Before the governing body of any city, town, or village has adopted a resolution to annex any unincorporated area of land, such city, town, or village shall first as a condition precedent determine that the land to be annexed is contiguous to the existing city, town, or village limits and that the length of the contiguous boundary common to the existing city, town, or village limit and the proposed area to be annexed is at least fifteen percent of the length of the perimeter of the area proposed for annexation.

(2) The governing body of any city, town, or village shall propose an ordinance setting forth the following:

(a) The area to be annexed and affirmatively stating that the boundaries comply with the condition precedent referred to in subdivision (1) above;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village;

(c) That the city has developed a plan of intent to provide services to the area proposed for annexation;

(d) That a public hearing shall be held prior to the adoption of the ordinance;

(e) When the annexation is proposed to be effective, the effective date being up to thirty-six months from the date of any election held in conjunction thereto.

(3) The city, town, or village shall fix a date for a public hearing on the ordinance and make a good faith effort to notify all fee owners of record within the area proposed to be annexed by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all residents of the area by publication of notice in a newspaper of general circulation qualified to publish legal matters in the county or counties where the proposed area is located, at least once a week for three consecutive weeks prior to the hearing, with at least one such notice being not more than twenty days and not less than ten days before the hearing.

(4) At the hearing referred to in subdivision (3), the city, town, or village shall present the plan of intent and evidence in support thereof to include:

(a) A list of major services presently provided by the city, town, or village including, but not limited to, police and fire protection, water and sewer systems, street maintenance, parks and recreation, **and** refuse collection[, etc.];

(b) A proposed time schedule whereby the city, town, or village plans to provide such services to the residents of the proposed area to be annexed within three years from the date the annexation is to become effective;

(c) The level at which the city, town, or village assesses property and the rate at which it taxes that property;

(d) How the city, town, or village proposes to zone the area to be annexed;

(e) When the proposed annexation shall become effective.

(5) Following the hearing, and either before or after the election held in subdivision (6) of this subsection, should the governing body of the city, town, or village vote favorably by ordinance to annex the area, the governing body of the city, town or village shall file an action in the circuit court of the county in which such unincorporated area is situated, under the provisions of chapter 527, praying for a declaratory judgment authorizing such annexation. The petition in such action shall state facts showing:

(a) The area to be annexed and its conformity with the condition precedent referred to in subdivision (1) of this subsection;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village;  
and

(c) The ability of the city, town, or village to furnish normal municipal services of the city, town, or village to the unincorporated area within a reasonable time not to exceed three years after the annexation is to become effective. Such action shall be a class action against the inhabitants of such unincorporated area under the provisions of section 507.070.

(6) Except as provided in subsection 3 of this section, if the court authorizes the city, town, or village to make an annexation, the legislative body of such city, town, or village shall not have the power to extend the limits of the city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in the city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed. However, should less than a majority of the total votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal shall again be voted upon in not more than one hundred twenty days by both the registered voters of the city, town, or village and the registered voters of the area proposed to be annexed. If at least two-thirds of the qualified electors voting thereon are in favor of the annexation, then the city, town, or village may proceed to annex the territory. If the proposal fails to receive the necessary majority, no part of the area sought to be annexed may be the subject of another proposal to annex for a period of two years from the date of the election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012. The elections shall if authorized be held, except as herein otherwise provided, in accordance with the general state law governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory.

(7) Failure to comply in providing services to the said area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court by any resident of the area who was residing in the area at the time the annexation became effective.

(8) No city, town, or village which has filed an action under this section as this section read prior to May 13, 1980, which action is part of an annexation proceeding pending on May 13, 1980, shall be required to comply with subdivision (5) of this subsection in regard to such annexation proceeding.

(9) If the area proposed for annexation includes a public road or highway but does not include all of the land adjoining such road or highway, then such fee owners of record, of the lands adjoining said highway shall be permitted to intervene in the declaratory judgment action described in subdivision (5) of this subsection.

2. Notwithstanding any provision of subsection 1 of this section, for any annexation by any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county that becomes effective after August 28, 1994, if such city has not provided water and sewer service to such annexed area within three years of the effective date of the annexation, a cause of action shall lie for deannexation, unless the failure to provide such water and sewer service to the annexed area is made unreasonable by an act of God. The cause of action for deannexation may be filed in the circuit court by any resident of the annexed area who is presently residing in the area at the time of the filing of the suit and was a resident of the annexed area at the time the annexation became effective. If the suit for deannexation is successful, the city shall be liable for all court costs and attorney fees.

3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all cities, towns, and villages located in any county of the first classification with a charter form of government with a population of two hundred thousand or more inhabitants which adjoins a county with a population of nine hundred thousand or more inhabitants shall comply with the provisions of this subsection. If the court authorizes any city, town, or village subject to this subsection to make an annexation, the legislative body of such city, town or village shall not have the power to extend the limits of such city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in such city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed; except that:

(1) In the case of a proposed annexation in any area which is contiguous to the existing city, town or village and which is within an area designated as flood plain by the Federal Emergency Management Agency and which is inhabited by no more than thirty registered voters and for which a final declaratory judgment has been granted prior to January 1, 1993, approving such annexation and where notarized affidavits expressing approval of the proposed annexation are obtained from a majority of the registered voters residing in the area to be annexed, the area may be annexed by an ordinance duly enacted by the governing body and no elections shall be required; and

(2) In the case of a proposed annexation of unincorporated territory in which no qualified electors reside, if at least a majority of the qualified electors voting on the proposition are in favor of the annexation, the city, town or village may proceed to annex the territory and no subsequent election shall be required. If the proposal fails to receive the necessary separate majorities, no part of the area sought to be annexed may be the subject of any other proposal to

annex for a period of two years from the date of such election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012 **or 71.014**. The election shall, if authorized, be held, except as otherwise provided in this section, in accordance with the general state laws governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory. Failure of the city, town or village to comply in providing services to the area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court **not later than four years after the effective date of the annexation** by any resident of the area who was residing in such area at the time the annexation became effective or by any nonresident owner of real property in such area. **Except for a cause of action for deannexation under this subdivision (2) of this subsection, any action of any kind seeking to deannex from any city, town, or village any area annexed under this section or seeking, in any way, to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within three years of the date of adoption of the annexation ordinance.”; and’; and**

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

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

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

On motion of Representative Jones (89), **HCS SCS SB 722, as amended**, was adopted.

On motion of Representative Jones (89), **HCS SCS SB 722, as amended**, was read the third time and passed by the following vote:

AYES: 136

|             |                |              |               |            |
|-------------|----------------|--------------|---------------|------------|
| Allen       | Anders         | Asbury       | Atkins        | Aull       |
| Bahr        | Barnes         | Bernskoetter | Berry         | Black      |
| Brandom     | Brown 50       | Brown 85     | Brown 116     | Burlison   |
| Carlson     | Carter         | Casey        | Cauthorn      | Cierpiot   |
| Colona      | Conway 14      | Cookson      | Cox           | Crawford   |
| Cross       | Davis          | Denison      | Diehl         | Dugger     |
| Ellinger    | Ellington      | Elmer        | Entlicher     | Fallert    |
| Fisher      | Fitzwater      | Flanigan     | Fraker        | Frederick  |
| Fuhr        | Gatschenberger | Gosen        | Grisamore     | Guernsey   |
| Haefner     | Hampton        | Harris       | Higdon        | Hinson     |
| Hodges      | Holsman        | Hoskins      | Hubbard       | Johnson    |
| Jones 63    | Jones 89       | Jones 117    | Kander        | Keeney     |
| Kelley 126  | Kelly 24       | Kirkton      | Klippenstein  | Korman     |
| Lair        | Lampe          | Lant         | Largent       | Lasater    |
| Leach       | Leara          | Lichtenegger | Loehner       | Long       |
| Marshall    | May            | McCaherty    | McCann Beatty | McCreery   |
| McGeoghegan | McGhee         | McManus      | McNeil        | Montecillo |
| Morgan      | Nance          | Neth         | Newman        | Nichols    |
| Oxford      | Pace           | Parkinson    | Phillips      | Pierson    |
| Pollock     | Quinn          | Redmon       | Reiboldt      | Richardson |
| Riddle      | Rizzo          | Rowland      | Ruzicka       | Sater      |
| Schad       | Scharnhorst    | Schatz       | Schieber      | Schieffer  |
| Schneider   | Schoeller      | Schupp       | Shively       | Shumake    |
| Sifton      | Silvey         | Smith 150    | Solon         | Sommer     |
| Spreng      | Still          | Stream       | Swearingen    | Swinger    |

2555 *Journal of the House*

|        |        |         |        |             |
|--------|--------|---------|--------|-------------|
| Talboy | Taylor | Thomson | Torpey | Wallingford |
| Webb   | Webber | Wells   | Weter  | Wright      |
| Zerr   |        |         |        |             |

NOES: 005

|         |         |        |         |       |
|---------|---------|--------|---------|-------|
| Brattin | Curtman | Koenig | Nasheed | White |
|---------|---------|--------|---------|-------|

PRESENT: 002

|          |             |
|----------|-------------|
| Smith 71 | Walton Gray |
|----------|-------------|

ABSENT WITH LEAVE: 020

|            |       |           |          |            |
|------------|-------|-----------|----------|------------|
| Conway 27  | Day   | Dieckhaus | Franklin | Franz      |
| Funderburk | Hough | Houghton  | Hughes   | Hummel     |
| Kratky     | Lauer | McDonald  | McNary   | Meadows    |
| Molendorp  | Nolte | Wieland   | Wyatt    | Mr Speaker |

Speaker Pro Tem Schoeller declared the bill passed.

**HCS SCS SB 758**, relating to children, was taken up by Representative Black.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 758, Page 22, Section 453.350, Line 15, 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. The court shall notify the department of health and senior services and the department of social services when it makes such a determination, as well as the 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. 1** was adopted.

Representative Jones (89) offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 758, Page 22, Section 211.444, Line 24, by inserting after all of said section and line the following:

**“453.010. 1. Any person desiring to adopt another person as his or her child shall petition the juvenile division of the circuit court of the county in which:**

- (1) The person seeking to adopt resides;**
- (2) The child sought to be adopted was born;**
- (3) The child [is located at the time of] has resided for at least ninety days prior to the filing of the adoption petition; or**

(4) Either birth person resides.

2. A petition to adopt shall not be dismissed or denied on the grounds that the petitioner is not domiciled or does not reside in any of the venues set forth in subdivision (2), (3) or (4) of subsection 1 of this section.

3. If the person sought to be adopted is a child who is under the prior and continuing jurisdiction of a court pursuant to the provision of chapter 211, any person desiring to adopt such person as his or her child shall petition the juvenile division of the circuit court which has jurisdiction over the child for permission to adopt such person as his or her child. Upon receipt of a motion from the petitioner and consent of the receiving court, the juvenile division of the circuit court which has jurisdiction over the child may transfer jurisdiction to the juvenile division of a circuit court within any of the alternative venues set forth in subsection 1 of this section.

4. If the petitioner has a spouse living and competent to join in the petition, such spouse may join therein, and in such case the adoption shall be by them jointly. If such a spouse does not join the petition the court in its discretion may, after a hearing, order such joinder, and if such order is not complied with may dismiss the petition.

5. Upon receipt of a properly filed petition, a court, as defined in this section, shall hear such petition in a timely fashion. A court or any child-placing agency shall not deny or delay the placement of a child for adoption when an approved family is available, regardless of the approved family's residence or domicile. The court shall expedite the placement of a child for adoption pursuant to subsection 3 of this section.

6. A licensed child-placing agency may file a petition for transfer of custody if a birth parent consents in writing by power of attorney for placement of a minor child, a consent to adoption, or any other document which evidences a desire to place the child with the licensed child-placing agency for the purposes of transfer of custody of the child to the licensed child-placing agency. The written consent obtained from the birth parent shall strictly comply with section 453.030.”; and

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

On motion of Representative Jones (89), **House Amendment No. 2** was adopted.

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 758, Page 6, Section 135.327, Line 131, by deleting the numeral “**2016**,” and inserting in lieu thereof the following:

“**2013**,”; and

Further amend said bill, page and section, Line 141, by inserting after all of said line the following:

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

- (1) "Contribution", a donation of cash, stock, bonds, or other marketable securities, or real property;
- (2) "Director", the director of the department of social services;
- (3) "Pregnancy resource center", a nonresidential facility located in this state:
  - (a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and
  - (b) Where childbirths are not performed; and
  - (c) Which does not perform, induce, or refer for abortions and which does not hold itself out as performing, inducing, or referring for abortions; and
  - (d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and
  - (e) Which provides its services at no cost to its clients; and
  - (f) When providing medical services, such medical services must be performed in accordance with Missouri statute; and
  - (g) Which is exempt from income taxation pursuant to the Internal Revenue Code of 1986, as amended;
- (4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, excluding sections 143.191 to 143.265 and related provisions, and

in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, excluding sections 143.191 to 143.265 and related provisions;

(5) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143, or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

2. For all tax years beginning on or after January 1, 2007, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the amount such taxpayer contributed to a pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as pregnancy resource centers. The director may require of a facility seeking to be classified as a pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as a pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as a pregnancy resource center. Pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to pregnancy resource centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued in the order contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as pregnancy resource centers. If a pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax information.

9. [Notwithstanding any other law to the contrary, any tax credits granted under this section may be assigned, transferred, sold, or otherwise conveyed without consent or approval. Such taxpayer, hereinafter the assignor for purposes of this section, may sell, assign, exchange, or otherwise transfer earned tax credits:

- (1) For no less than seventy-five percent of the par value of such credits; and
- (2) In an amount not to exceed one hundred percent of annual earned credits.

10.] Pursuant to section 23.253 of the Missouri sunset act:

(1) [Any new program authorized under this section shall automatically sunset six years after August 28, 2006, 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] **expire on December 31, 2013, unless reauthorized by the general assembly;** and

[(3)] (2) This section shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under this section is sunset; **and**

(3) **The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to issue tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.**"; and

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

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

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

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 758, Page 17, Section 210.950, Lines 53 and 54, by deleting "[one year][ **forty-five days**" and inserting in lieu thereof the following:

"one year"; and

Further amend said bill and section, Page 18, Line 104, by deleting "**forty-five days**" and inserting in lieu thereof the following:

"**one year**"; and

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

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

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

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 758, Page 9, Section 160.1990, Line 87, by inserting after all of said section and line the following:

**"208.031. 1. Electronic benefit transfer transactions made by each applicant or recipient who is otherwise eligible for temporary assistance for needy families benefits under this chapter and who is found to have made a cash withdrawal at any casino, gambling casino, or gaming establishment shall, after an administrative hearing conducted by the department under the provisions of chapter 536, be declared ineligible for temporary assistance for needy families benefits for a period of three years from the date of the administrative hearing decision. For purposes of this section, "casino, gambling casino, or gaming establishment" does not include a grocery store which sells groceries including such staple foods and which also offers, or is located within the same building or complex as, casino, gambling, or gaming activities.**

**2. Other members of a household which includes a person who has been declared ineligible for temporary assistance for needy families assistance shall, if otherwise eligible, continue to receive temporary assistance for needy families benefits as protective or vendor payments to a third-party payee for the benefit of the members of the household.**

**3. Any person who, in good faith, reports a suspected violation of this section by a TANF recipient shall not be held civilly or criminally liable for reporting such suspected violation.**

**4. The department of social services shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to**

disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

208.032. 1. In accordance with the Social Security Act, 42 U.S.C. Section 608(a)(12), the department of social services shall implement and maintain policies and practices which prevent a temporary assistance for needy families electronic benefit transfer transaction in:

- (1) Any liquor store;
- (2) Any casino, gambling casino, or gambling establishment; or
- (3) Any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.

2. As used in this section, the term:

- (1) "Casino, gambling casino, or gaming establishment" shall not include:
  - (a) A grocery store which sells groceries including staple foods and which also offers, or is located within the same building or complex as, casino, gambling, or gaming activities;
  - (b) "Electronic benefit transfer transaction" means the use of a credit or debit card service, automated teller machine, point-of-sale terminal, or access to an online system for the withdrawal of funds or the processing of a payment for merchandise or a service;

(c) "Liquor store" means any retail establishment which sells exclusively or primarily intoxicating liquor. Liquor store does not include a grocery store which sells both intoxicating liquor and groceries including staple foods within the meaning of Section 3(r) of the Food and Nutrition Act of 2008, 7 U.S.C. Section 2012(r).

3. In accordance with 42 U.S.C. Section 602(a)(1)(A), the department of social services shall:

(1) Implement policies and procedures as necessary to prevent access to assistance provided under Missouri's temporary assistance for needy families (TANF) program through any electronic fund transaction in an automated teller machine or point-of-sale device located in a place described in subsections 1 and 2 of this section, including a plan to ensure that recipients of the assistance have adequate access to their cash assistance; and

(2) Ensure that recipients of assistance provided under Missouri's TANF program have access to using or withdrawing assistance with minimal fees or charges, including an opportunity to access assistance with no fee or charges, and are provided information on applicable fees and charges that apply to electronic fund transactions involving the assistance, and that such information is made publicly available.

4. On or before December 31, 2013, the department shall submit a report to the governor and the general assembly detailing the policies and practices implemented in accordance with the requirements of this section and the requirements of 42 U.S.C. Section 608(a)(12). In addition, the department shall report Missouri's implementation of the policies and practices to the Secretary of Health and Human Services as required under 42 U.S.C. Section 609(a)(16) within two years of the enactment of such federal law."; and

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

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

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

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 758, Page 9, Section 160.1990, Line 87, by inserting after all of said section and line the following:

"162.700. 1. The board of education of each school district in this state, except school districts which are part of a special school district, and the board of education of each special school district shall provide special educational services for children with disabilities three years of age or more residing in the district as required by P.L. 99-457, as codified and as may be amended. Any child, determined to be a child with disabilities, shall be eligible for such services upon reaching his or her third birthday and state school funds shall be apportioned accordingly. This subsection shall apply to each full school year beginning on or after July 1, 1991. In the event that federal funding fails to be appropriated at the authorized level as described in 20 U.S.C. 1419(b)(2), the implementation of this subsection relating to services for children with disabilities three and four years of age may be delayed until such time as funds are



appropriated to meet such level. Each local school district and each special school district shall be responsible to engage in a planning process to design the service delivery system necessary to provide special education and related services for children three and four years of age with disabilities. The planning process shall include public, private, and private not-for-profit agencies which have provided such services for this population. The school district, or school districts, or special school district, shall be responsible for designing an efficient service delivery system which uses the present resources of the local community which may be funded by the department of elementary and secondary education or the department of mental health. School districts may coordinate with public, private, and private not-for-profit agencies presently in existence. The service delivery system shall be consistent with the requirements of the department of elementary and secondary education to provide appropriate special education services in the least restrictive environment.

2. Every local school district or, if a special district is in operation, every special school district shall obtain current appropriate diagnostic reports for each with disabilities child prior to assignment in a special program. These records may be obtained with parental permission from previous medical or psychological evaluation, may be provided by competent personnel of such district or special district, or may be secured by such district from competent and qualified medical, psychological, or other professional personnel.

3. Evaluations of private school students suspected of having a disability under the Individuals With Disabilities Education Act will be conducted as appropriate by the school district in which the private school is located or its contractor.

4. Where special districts have been formed to serve children with disabilities under the provisions of sections 162.670 to 162.995, such children shall be educated in programs of the special district, except that component districts may provide education programs for children with disabilities ages three and four inclusive in accordance with regulations and standards adopted by the state board of education.

5. For the purposes of this act, remedial reading programs are not a special education service as defined by subdivision (4) of section 162.675.

6. Any and all state costs required to fund special education services for three- and four-year-old children under this section shall be provided for by a specific, separate appropriation and shall not be funded by a reallocation of money appropriated for the public school foundation program.

7. School districts providing early childhood special education shall give consideration to the value of continuing services with Part C early intervention system providers for the remainder of the school year when developing an individualized education program for a student who has received services under Part C of the Individuals with Disabilities Education Act and reaches the age of three years during a regular school year. Services provided shall be only those permissible according to Section 619 of the Individuals with Disabilities Education Act.

8. **The parent or guardian of a child who is eligible for special educational services may select one or more specialized instructional services that are consistent with the child's individualized education program, which may include, but not be limited to, listening and spoken language specialists and an appropriate acoustical environment for a child who is deaf or hard of hearing who has received an implant or assistive hearing device.**

9. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void."; and

Further amend said bill, Page 22, Section 453.350, Line 15, by inserting after all of said line the following:

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

**(1) "Auditory-oral education program", a program that develops and relies solely on listening skills and uses an implant or assistive hearing device for the purpose of relying on speech and spoken language skills as the method of communication;**

**(2) "Deaf or hard of hearing", aided or unaided hearing loss that affects the processing of linguistic information and adversely affects performance in the educational environment. The degree of loss may range from mild to profound in accordance with criteria established by rule of the state board of education;**

**(3) "School", a public or nonpublic school located in this state which can teach children who have obtained an implant or assistive hearing device, using faculty certified as listening and spoken language specialists, provided that such school shall not violate the provisions of Article I, section 7 or Article IX, section 8 of the Missouri constitution.**

2. The parent or guardian of a child who is deaf or hard of hearing and who meets the requirements of this section may enroll the child in the auditory-oral education program of a school other than his or her school district of residence. Such child may continue attending the school and complete the development of listening and spoken language skills at the school. To enroll and attend, the child shall:

- (1) Have received an implant or assistive hearing device;
- (2) Be between the ages of three and seven years or between the ages of two and seven years when the school district elects to service children with disabilities who are under the age of three years; and
- (3) Be a resident of this state.

3. The level of services shall be determined by the pupil's individual education program team, or individualized family service plan team, which shall include the child's parent or guardian, in accordance with the state board of education's rules. A child shall be eligible for services under this section until the end of the school year in which he or she reaches the age of seven years, or after the second grade, whichever comes first.

4. Payment for services shall be as provided in section 162.705."; and

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

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

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

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 758, Page 22, Section 453.350, Line 15, by inserting after all of said section, the following:

"620.2450. 1. There is hereby established the "Missouri Jobs for Education Program". The program is established for the purpose of providing credit toward tuition to award Missouri and out-of-state business owners and companies responsible for the creation of new jobs in the state. Credit toward tuition awarded under this section entitle the credit holder to credit toward tuition at any public institution of higher education in the state.

2. Under the Missouri jobs for education program, business owners and companies may apply for credit toward tuition, redeemable for study at public institutions of higher education in the state. A qualifying business owner or company shall receive one credit toward tuition for every qualifying job created. In order to qualify for credit toward tuition under this section, the new job shall:

- (1) Pay wages that meet or exceed the county average wage;
  - (2) Be maintained for at least one year before the claimant is eligible to receive the credit toward tuition;
- and

(3) Be a full-time position, including at a minimum two thousand hours per year, with one hundred sixty hours per month for ten of the twelve calendar months.

3. Credit toward tuition awarded under this section may be used by employees of the business owner or company, by any relatives of the business owner, or may be gifted to any person of the business owner's choosing. Credit toward tuition received shall expire if not used within ten years of the date awarded. Unused credit toward tuition shall not be refunded and shall be deposited into general revenue.

4. There is hereby created in the state treasury the "Missouri Jobs for Education Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180 the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely for the administration of this section. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

5. The department of economic development shall administer the program established in this section. The department of revenue shall create an employer application process, and withhold state employee taxes and deposit the money into the Missouri jobs for education fund established in subsection 4 of this section. Funding for credit toward tuition shall begin on the day the new job is created. The department of economic development shall track employer contributions and ensure that the credit toward tuition granted does not exceed the amount

that has been deposited by the employer. If an employee tax withheld is more than the cost of tuition, no money shall be refunded.

6. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset four 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.

Representative Schieber offered **House Amendment No. 1 to House Amendment No. 7.**

*House Amendment No. 1*

*to*

*House Amendment No. 7*

AMEND House Amendment No. 7 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 758, Page 2, Line 16, by inserting after all of said line the following:

‘Further amend said bill, Page 2, Section 21.771, Line 48, by inserting after all of said section and line the following:

“135.215. 1. Improvements made to "real property" as such term is defined in section 137.010, which are made in an enterprise zone subsequent to the date such zone or expansion thereto was designated, may upon approval of an authorizing resolution by the governing authority having jurisdiction of the area in which the improvements are made, be exempt, in whole or in part, from assessment and payment of ad valorem taxes of one or more affected political subdivisions, provided that, except as to the exemption allowed under subsection 3 of this section, at least fifty new jobs that provide an average of at least thirty-five hours of employment per week per job are created and maintained at the new or expanded facility. Such authorizing resolution shall specify the percent of the exemption to be granted, the duration of the exemption to be granted, and the political subdivisions to which such exemption is to apply and any other terms, conditions or stipulations otherwise required. A copy of the resolution shall be provided the director within thirty calendar days following adoption of the resolution by the governing authority.

2. No exemption shall be granted until the governing authority holds a public hearing for the purpose of obtaining the opinions and suggestions of residents of political subdivisions to be affected by the exemption from property taxes. The governing authority shall send, by certified mail, a notice of such hearing to each political subdivision in the area to be affected and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by the exemption at least twenty days prior to the hearing but not more than thirty days prior to the hearing. Such notice shall state the time, location, date and purpose of the hearing.

3. Notwithstanding subsection 1 of this section, at least one-half of the ad valorem taxes otherwise imposed on subsequent improvements to real property located in an enterprise zone shall become and remain exempt from assessment and payment of ad valorem taxes of any political subdivision of this state or municipality thereof, **if said political subdivision or municipality levies ad valorem taxes**, for a period of not less than ten years following the date such improvements were assessed, provided the improved properties are used for assembling, fabricating, processing, manufacturing, mining, warehousing or distributing properties.

4. No exemption shall be granted for a period more than twenty-five years following the date on which the original enterprise zone was designated by the department except for any enterprise zone within any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants provided in any instance the exemption shall not be granted for a period longer than twenty-five years from the date on which the exemption was granted.

5. The provisions of subsection 1 of this section shall not apply to improvements made to real property which have been started prior to August 28, 1991.

6. The mandatory abatement referred to in this section shall not relieve the assessor or other responsible official from ascertaining the amount of the equalized assessed value of all taxable property annually as required by section

99.855 and shall not have the effect of reducing the payments in lieu of taxes referred to in subdivision (2) of section 99.845 unless such reduction is set forth in the plan approved by the governing body of the municipality pursuant to subdivision (1) of section 99.820.

7. Effective August 28, 2004, any abatement or exemption provided for in this section on an individual parcel of real property shall cease after a period of thirty days of business closure, work stoppage, major reduction in force, or a significant change in the type of business conducted at that location. For the purposes of this subsection, "work stoppage" shall not include strike or lockout or time necessary to retool a plant, and "major reduction in force" is defined as a seventy-five percent or greater reduction.

Any owner or new owner may reapply, but cannot receive the abatement or exemption for any period of time beyond the original life of the enterprise zone.""; and

Further amend said bill, Page 6, Section 135.327, Line 141, by inserting after all of said section, the following:

"135.963. 1. Improvements made to real property as such term is defined in section 137.010 which are made in an enhanced enterprise zone subsequent to the date such zone or expansion thereto was designated, may, upon approval of an authorizing resolution or ordinance by the governing authority having jurisdiction of the area in which the improvements are made, be exempt, in whole or in part, from assessment and payment of ad valorem taxes of one or more affected political subdivisions. Improvements made to real property, as such term is defined in section 137.010, which are locally assessed and in a renewable energy generation zone designated as an enhanced enterprise zone, subsequent to the date such enhanced enterprise zone or expansion thereto was designated, may, upon approval of an authorizing resolution or ordinance by the governing authority having jurisdiction of the area in which the improvements are made, be exempt, in whole or in part, from assessment and payment of ad valorem taxes of one or more affected political subdivisions. In addition to enhanced business enterprises, a speculative industrial or warehouse building constructed by a public entity or a private entity if the land is leased by a public entity may be subject to such exemption.

2. Such authorizing resolution shall specify the percent of the exemption to be granted, the duration of the exemption to be granted, and the political subdivisions to which such exemption is to apply and any other terms, conditions, or stipulations otherwise required. A copy of the resolution shall be provided to the director within thirty calendar days following adoption of the resolution by the governing authority.

3. No exemption shall be granted until the governing authority holds a public hearing for the purpose of obtaining the opinions and suggestions of residents of political subdivisions to be affected by the exemption from property taxes. The governing authority shall send, by certified mail, a notice of such hearing to each political subdivision in the area to be affected and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by the exemption at least twenty days prior to the hearing but not more than thirty days prior to the hearing. Such notice shall state the time, location, date, and purpose of the hearing.

4. Notwithstanding subsection 1 of this section, at least one-half of the ad valorem taxes otherwise imposed on subsequent improvements to real property located in an enhanced enterprise zone of enhanced business enterprises or speculative industrial or warehouse buildings as indicated in subsection 1 of this section shall become and remain exempt from assessment and payment of ad valorem taxes of any political subdivision of this state or municipality thereof, **if said political subdivision or municipality levies ad valorem taxes**, for a period of not less than ten years following the date such improvements were assessed, provided the improved properties are used for enhanced business enterprises. The exemption for speculative buildings is subject to the approval of the governing authority for a period not to exceed two years if the building is owned by a private entity and five years if the building is owned or ground leased by a public entity. This shall not preclude the building receiving an exemption for the remaining time period established by the governing authority if it was occupied by an enhanced business enterprise. The two- and five-year time periods indicated for speculative buildings shall not be an addition to the local abatement time period for such facility.

5. No exemption shall be granted for a period more than twenty-five years following the date on which the original enhanced enterprise zone was designated by the department.

6. The provisions of subsection 1 of this section shall not apply to improvements made to real property begun prior to August 28, 2004.

7. The abatement referred to in this section shall not relieve the assessor or other responsible official from ascertaining the amount of the equalized assessed value of all taxable property annually as required by section 99.855, 99.957, or 99.1042 and shall not have the effect of reducing the payments in lieu of taxes referred to in subdivision (2) of subsection 1 of section 99.845, subdivision (2) of subsection 3 of section 99.957, or subdivision (2) of subsection 3 of section 99.1042 unless such reduction is set forth in the plan approved by the governing body of the municipality pursuant to subdivision (1) of subsection 1 of section 99.820, section 99.942, or section 99.1027.""; and"; and

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

On motion of Representative Schieber, **House Amendment No. 1 to House Amendment No. 7** was adopted.

On motion of Representative Johnson, **House Amendment No. 7, as amended**, was adopted.

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

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 758, Page 22, Section 453.350, Line 15, by inserting after all of said section and line the following:

“568.040. 1. A person commits the crime of nonsupport if such person knowingly fails to provide adequate support for his or her spouse; a parent commits the crime of nonsupport if such parent knowingly fails to provide adequate support which such parent is legally obligated to provide for his or her child or stepchild who is not otherwise emancipated by operation of law.

2. For purposes of this section:

(1) **"Arrearage":**

**(a) The amount of money created by a failure to provide support to a child under an administrative or judicial support order; or**

**(b) Support to an estranged or former spouse if the judgment or order requiring payment of spousal support also requires payment of child support and such estranged or former spouse is the custodial parent; or**

**(c) Both paragraphs (a) and (b).**

**The arrearage shall reflect any retroactive support ordered under a modification, and any judgments entered by a court of competent jurisdiction or any authorized agency and any satisfactions of judgment filed by the custodial parent;**

(2) "Child" means any biological or adoptive child, or any child whose paternity has been established under chapter 454, or chapter 210, or any child whose relationship to the defendant has been determined, by a court of law in a proceeding for dissolution or legal separation, to be that of child to parent;

[(2)] (3) "Good cause" means any substantial reason why the defendant is unable to provide adequate support. Good cause does not exist if the defendant purposely maintains his inability to support;

[(3)] (4) "Support" means food, clothing, lodging, and medical or surgical attention;

[(4)] (5) It shall not constitute a failure to provide medical and surgical attention, if nonmedical remedial treatment recognized and permitted under the laws of this state is provided.

3. Inability to provide support for good cause shall be an affirmative defense under this section. A person who raises such affirmative defense has the burden of proving the defense by a preponderance of the evidence.

4. The defendant shall have the burden of injecting the issues raised by subdivision (4) of subsection 2 of this section.

5. Criminal nonsupport is a class A misdemeanor, unless the total arrearage is in excess of an aggregate of [twelve] **eighteen** monthly payments due under any order of support issued by any court of competent jurisdiction or any authorized administrative agency, in which case it is a class D felony.

6. (1) If at any time a defendant convicted of criminal nonsupport **or pleads guilty to a charge of criminal nonsupport** is placed on probation or parole, there may be ordered as a condition of probation or parole that the defendant commence payment of current support as well as satisfy the arrearages. Arrearages may be satisfied first by making such lump sum payment as the defendant is capable of paying, if any, as may be shown after examination of defendant's financial resources or assets, both real, personal, and mixed, and second by making periodic payments. Periodic payments toward satisfaction of arrears when added to current payments due [may] **shall** be in such aggregate sums as is not greater than fifty percent of the defendant's adjusted gross income after deduction of payroll taxes, medical insurance that also covers a dependent spouse or children, and any other court- or administrative-ordered support, only.

(2) If the defendant fails to pay the [current] support and arrearages [as ordered] **under the terms of his or her probation**, the court may revoke probation or parole and then impose an appropriate sentence within the range for the class of offense that the defendant was convicted of as provided by law, unless the defendant proves good cause for the failure to pay as required under subsection 3 of this section.

(3) **After a period of not less than eight years, an individual who has pled guilty to or has been convicted of a first felony offense for criminal nonsupport under this section and who has successfully completed probation after a plea of guilt or was sentenced may petition the court for expungement of all official records all recordations of his or her arrest, plea, trial, or conviction. If the court determines after hearing that such person has not been convicted of any subsequent offense; does not have any other felony pleas of guilt, findings of guilt or convictions; is current on all child support obligations; has paid off all arrearages; and has no other criminal charges or administrative child support actions pending at the time of the hearing on the application for expungement with respect to all children subject to orders of payment of child support or that the defendant has successfully completed a criminal nonsupport courts program under section 478.1000, the court shall enter an order of expungement. Upon granting the order of expungement, the records and files maintained in any court proceeding in an associate or circuit division of the circuit court under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction, and as if such event had never taken place. No person for whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section. A person shall only be entitled to one expungement under this section. Nothing in this section shall prevent the director of the department of social services from maintaining such records as to ensure that an individual receives only one expungement under this section for the purpose of informing the proper authorities of the contents of any record maintained under this section.**

7. During any period that a nonviolent defendant is incarcerated for criminal nonsupport, if the defendant is ready, willing, and able to be gainfully employed during said period of incarceration, the defendant, if he or she meets the criteria established by the department of corrections, may be placed on work release to allow the defendant to satisfy defendant's obligation to pay support. Arrearages shall be satisfied as outlined in the collection agreement.

8. Beginning August 28, 2009, every nonviolent first- and second-time offender then incarcerated for criminal nonsupport, who has not been previously placed on probation or parole for conviction of criminal nonsupport, may be considered for parole, under the conditions set forth in subsection 6 of this section, or work release, under the conditions set forth in subsection 7 of this section.

9. Beginning January 1, 1991, every prosecuting attorney in any county which has entered into a cooperative agreement with the [child support enforcement service of the] family support division [of] **within** the department of social services **regarding child support enforcement services** shall report to the division on a quarterly basis the number of charges filed and the number of convictions obtained under this section by the prosecuting attorney's office on all IV-D cases. The division shall consolidate the reported information into a statewide report by county and make the report available to the general public.

10. Persons accused of committing the offense of nonsupport of the child shall be prosecuted:

- (1) In any county in which the child resided during the period of time for which the defendant is charged; or
- (2) In any county in which the defendant resided during the period of time for which the defendant is charged.”; and

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

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

On motion of Representative Black, **HCS SCS SB 758, as amended**, was adopted.

On motion of Representative Black, **HCS SCS SB 758, as amended**, was read the third time and passed by the following vote:

AYES: 134

|              |                |              |              |             |
|--------------|----------------|--------------|--------------|-------------|
| Allen        | Anders         | Aull         | Bahr         | Barnes      |
| Bernskoetter | Berry          | Black        | Brandom      | Brattin     |
| Brown 50     | Brown 85       | Brown 116    | Burlison     | Carlson     |
| Carter       | Casey          | Cauthorn     | Cierpiot     | Colona      |
| Conway 14    | Conway 27      | Cookson      | Cox          | Crawford    |
| Cross        | Curtman        | Denison      | Diehl        | Dugger      |
| Ellinger     | Ellington      | Elmer        | Entlicher    | Fallert     |
| Fisher       | Flanigan       | Fraker       | Franz        | Frederick   |
| Fuhr         | Gatschenberger | Gosen        | Grisamore    | Guernsey    |
| Haefner      | Hampton        | Harris       | Higdon       | Hinson      |
| Hodges       | Holsman        | Hoskins      | Hubbard      | Johnson     |
| Jones 63     | Jones 89       | Jones 117    | Kander       | Keeney      |
| Kelley 126   | Kelly 24       | Kirkton      | Klippenstein | Koenig      |
| Korman       | Kratky         | Lair         | Lampe        | Lant        |
| Largent      | Lasater        | Lichtenegger | Long         | May         |
| McCaherty    | McCann Beatty  | McGeoghegan  | McManus      | McNeil      |
| Meadows      | Molendorp      | Montecillo   | Morgan       | Nance       |
| Nasheed      | Neth           | Newman       | Nichols      | Nolte       |
| Oxford       | Pace           | Phillips     | Pierson      | Pollock     |
| Quinn        | Redmon         | Reiboldt     | Richardson   | Riddle      |
| Rizzo        | Rowland        | Ruzicka      | Sater        | Scharnhorst |
| Schieber     | Schieffer      | Schneider    | Schoeller    | Schupp      |
| Shively      | Shumake        | Sifton       | Silvey       | Smith 71    |
| Smith 150    | Solon          | Sommer       | Spreng       | Still       |
| Stream       | Swearingen     | Swinger      | Talboy       | Taylor      |
| Thomson      | Torpey         | Wallingford  | Walton Gray  | Webb        |
| Weter        | White          | Wright       | Zerr         |             |

NOES: 005

|        |        |       |          |          |
|--------|--------|-------|----------|----------|
| Asbury | Atkins | Leach | Marshall | McCreery |
|--------|--------|-------|----------|----------|

PRESENT: 000

ABSENT WITH LEAVE: 024

|            |           |           |            |          |
|------------|-----------|-----------|------------|----------|
| Davis      | Day       | Dieckhaus | Fitzwater  | Franklin |
| Funderburk | Hough     | Houghton  | Hughes     | Hummel   |
| Lauer      | Leara     | Loehner   | McDonald   | McGhee   |
| McNary     | Parkinson | Schad     | Schatz     | Webber   |
| Wells      | Wieland   | Wyatt     | Mr Speaker |          |

Speaker Pro Tem Schoeller declared the bill passed.

**HCS SCS SBs 767, 653, 754, 705, 441, 528, 831, 833 & 847**, relating to designations and license plates, was taken up by Representative Sater.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 767, 653, 754, 705, 441, 528, 831, 833 & 847, Page 7, Section 301.3084, Line 5, by deleting the words, “**department of health and senior services**” and inserting in lieu thereof the words, “**Winning Women**”; and

Further amend said page and section, Line 6, by deleting the words, “**department of health and senior services**” and inserting in lieu thereof the words, “**Winning Women**”; and

Further amend said page and section, Lines 9 and 10, by deleting the words, “**department of health and senior services**” and inserting in lieu thereof the words, “**Winning Women**”; and

Further amend said section, Page 8, Line 22, by deleting the words, ““MISSOURI WOMEN’S COUNCIL”” and inserting in lieu thereof the words, “[“MISSOURI WOMEN’S COUNCIL”] “**WINNING WOMEN**””; and

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

Representative Schad assumed the Chair.

Representative Riddle moved the previous question.

Which motion was adopted by the following vote:

AYES: 087

|              |              |           |                |              |
|--------------|--------------|-----------|----------------|--------------|
| Allen        | Asbury       | Bahr      | Barnes         | Bernskoetter |
| Berry        | Brandom      | Brattin   | Brown 85       | Brown 116    |
| Burlison     | Cauthorn     | Conway 14 | Cookson        | Cox          |
| Crawford     | Cross        | Curtman   | Davis          | Day          |
| Denison      | Elmer        | Entlicher | Fisher         | Fitzwater    |
| Flanigan     | Fraker       | Frederick | Gatschenberger | Gosen        |
| Grisamore    | Guernsey     | Haefner   | Hampton        | Higdon       |
| Hinson       | Hoskins      | Johnson   | Jones 89       | Jones 117    |
| Kelley 126   | Klippenstein | Koenig    | Korman         | Lair         |
| Lant         | Largent      | Lasater   | Leach          | Leara        |
| Lichtenegger | Loehner      | Long      | Marshall       | McCaherty    |
| McGhee       | Molendorp    | Nance     | Neth           | Nolte        |
| Parkinson    | Phillips     | Redmon    | Reiboldt       | Richardson   |
| Riddle       | Rowland      | Ruzicka   | Sater          | Schad        |
| Schieber     | Schneider    | Schoeller | Silvey         | Smith 150    |
| Solon        | Sommer       | Stream    | Thomson        | Torpey       |
| Wallingford  | Weter        | White     | Wright         | Wyatt        |
| Zerr         | Mr Speaker   |           |                |              |

NOES: 053

|          |           |          |        |           |
|----------|-----------|----------|--------|-----------|
| Anders   | Atkins    | Aull     | Black  | Brown 50  |
| Carlson  | Carter    | Casey    | Colona | Conway 27 |
| Ellinger | Ellington | Fallert  | Harris | Hodges    |
| Holsman  | Hubbard   | Jones 63 | Kander | Kelly 24  |



|             |             |         |        |               |
|-------------|-------------|---------|--------|---------------|
| Kirkton     | Kratky      | Lampe   | May    | McCann Beatty |
| McCreery    | McGeoghegan | McManus | McNeil | Meadows       |
| Montecillo  | Morgan      | Nasheed | Newman | Nichols       |
| Oxford      | Pace        | Pierson | Quinn  | Rizzo         |
| Schieffer   | Schupp      | Shively | Sifton | Smith 71      |
| Spreng      | Still       | Swinger | Talboy | Taylor        |
| Walton Gray | Webb        | Webber  |        |               |

PRESENT: 000

ABSENT WITH LEAVE: 023

|            |           |             |        |          |
|------------|-----------|-------------|--------|----------|
| Cierpiot   | Dieckhaus | Diehl       | Dugger | Franklin |
| Franz      | Fuhr      | Funderburk  | Hough  | Houghton |
| Hughes     | Hummel    | Keeney      | Lauer  | McDonald |
| McNary     | Pollock   | Scharnhorst | Schatz | Shumake  |
| Swearingen | Wells     | Wieland     |        |          |

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

Which motion was defeated by the following vote:

AYES: 035

|          |              |              |           |            |
|----------|--------------|--------------|-----------|------------|
| Allen    | Barnes       | Bernskoetter | Brandom   | Brown 116  |
| Burlison | Conway 14    | Cox          | Crawford  | Cross      |
| Denison  | Diehl        | Elmer        | Entlicher | Flanigan   |
| Fraker   | Grisamore    | Guernsey     | Haefner   | Leach      |
| Leara    | Lichtenegger | Parkinson    | Pollock   | Richardson |
| Sater    | Schad        | Schneider    | Schoeller | Smith 150  |
| Sommer   | Wells        | Wright       | Zerr      | Mr Speaker |

NOES: 111

|              |             |                |            |               |
|--------------|-------------|----------------|------------|---------------|
| Anders       | Asbury      | Atkins         | Aull       | Bahr          |
| Berry        | Black       | Brattin        | Brown 50   | Brown 85      |
| Carlson      | Carter      | Casey          | Cauthorn   | Colona        |
| Conway 27    | Cookson     | Curtman        | Davis      | Day           |
| Ellinger     | Ellington   | Fallert        | Fisher     | Fitzwater     |
| Frederick    | Fuhr        | Gatschenberger | Gosen      | Hampton       |
| Harris       | Higdon      | Hinson         | Hodges     | Holsman       |
| Hoskins      | Hubbard     | Johnson        | Jones 63   | Jones 89      |
| Jones 117    | Kander      | Kelley 126     | Kelly 24   | Kirkton       |
| Klippenstein | Koenig      | Korman         | Kratky     | Lair          |
| Lampe        | Lant        | Largent        | Lasater    | Loehner       |
| Long         | Marshall    | May            | McCaherty  | McCann Beatty |
| McCreery     | McGeoghegan | McGhee         | McManus    | McNeil        |
| Meadows      | Molendorp   | Montecillo     | Morgan     | Nance         |
| Nasheed      | Neth        | Newman         | Nichols    | Nolte         |
| Oxford       | Pace        | Phillips       | Pierson    | Quinn         |
| Redmon       | Reiboldt    | Riddle         | Rizzo      | Rowland       |
| Ruzicka      | Schieber    | Schieffer      | Schupp     | Shively       |
| Shumake      | Sifton      | Silvey         | Smith 71   | Solon         |
| Spreng       | Still       | Stream         | Swearingen | Swinger       |

|             |        |         |        |             |
|-------------|--------|---------|--------|-------------|
| Talboy      | Taylor | Thomson | Torpey | Wallingford |
| Walton Gray | Webb   | Webber  | Weter  | White       |
| Wyatt       |        |         |        |             |

PRESENT: 000

ABSENT WITH LEAVE: 017

|            |           |          |          |             |
|------------|-----------|----------|----------|-------------|
| Cierpiot   | Dieckhaus | Dugger   | Franklin | Franz       |
| Funderburk | Hough     | Houghton | Hughes   | Hummel      |
| Keeney     | Lauer     | McDonald | McNary   | Scharnhorst |
| Schatz     | Wieland   |          |          |             |

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

### *House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 767, 653, 754, 705, 441, 528, 831, 833 & 847, Page 6, Section 301.473, Lines 45 through 50, by deleting all of said lines and inserting in lieu thereof the following:

**“5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a person chooses to replace the specialty personalized plate for the new design, the person must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plates fees in accordance with this chapter shall be required.”; and**

Further amend said bill, Pages 8 through 11, Sections 301.3161 and 301.3165, by deleting all of said sections and inserting in lieu thereof the following:

**“301.3161. 1. Notwithstanding any other provision of law to the contrary,** any person may apply for special motor vehicle license plates for any vehicle such 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, after an annual contribution of twenty-five dollars to the Cass County collector of revenue. Any contribution derived from this section, except reasonable administrative costs, shall be distributed within the county as follows:

- (1) [Eighty] **Seventy** percent to public safety; [and]
- (2) **Fifteen percent to the Cass County Historical Society; and**
- (3) [Twenty] **Fifteen** percent to the Cass County parks and recreation department.

2. Upon annual application and payment of twenty-five dollars **to the Cass County collector of revenue,** the county shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the [department] **director** of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a [personalized license plate which shall bear the words "CASS COUNTY -- THE BURNT DISTRICT" in the place of the words "SHOW-ME STATE"] **speciality personalized license plate which shall bear the words "CASS COUNTY -- THE BURNT DISTRICT" at the bottom of the plate in a manner prescribed by the director of revenue. Such license plates shall be yellow beginning at the top with the color fading into orange at the bottom and shall have a black decorative scroll on the left and right side of the plate configuration. The scrolls shall not be more than one inch in width or three and a half inches in height.** 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for personalization of license plates under this section.

3. [The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by 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, 2011, shall be invalid and void] **A vehicle owner who was previously issued a plate with the emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Cass County Burnt District emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.**

**4. Prior to the issuance of a specialty personalized plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates.**

**5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plate fees in accordance with this chapter shall be required.**

**301.3165. 1. Notwithstanding any other provision of law to the contrary, any person, after an annual payment of an emblem-use fee to the Martin Luther King Jr. state celebration commission, may receive specialty personalized license plates for any 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. The Martin Luther King Jr. state celebration commission hereby authorizes the use of its official emblem to be affixed on specialty personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the Martin Luther King Jr. state celebration commission derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Martin Luther King Jr. state celebration commission. Any person may annually apply for the use of the emblem.**

**2. Upon annual application and payment of a twenty-five dollar contribution to the Martin Luther King Jr. state celebration commission fund, the Martin Luther King Jr. state celebration commission shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a specialty personalized license plate which shall bear the emblem of the Martin Luther King Jr. state celebration commission and the words "I HAVE A DREAM" at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.**

**3. A vehicle owner who was previously issued a plate with the Martin Luther King Jr. state celebration commission's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Martin Luther King Jr. state celebration commission's emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.**

**4. Prior to the issuance of a "I HAVE A DREAM" specialty personalized plate authorized under this section the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the**

implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem use statements, if applicable, and other required documents or fees for such plates.

5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If an applicant chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plates fees in accordance with this chapter shall be required.”; and

Further amend said bill, Pages 18 and 19, Section 301.4043, Lines 1 through 23, by deleting all of said sections and inserting in lieu thereof the following:

“301.4043. 1. Any woman who currently serves in any branch of the United States Armed Forces or who was honorably discharged from such service may apply for special personalized motor vehicle license plates for any 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.

2. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof of military service as the director may require.

3. Upon presentation of such proof of military service and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a special personalized license plate which shall bear the words “WOMEN VETERANS” at the bottom of the plate, in a manner prescribed by the director of revenue. 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.

4. There shall be an additional fee of fifteen dollars charged for each set of special personalized license plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.

5. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person.

6. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

7. The director may consult with any organization which represents the interests of women veterans when formulating the design for the special license plates described in this section.

8. The director shall make all necessary rules and regulations for the administration of this section, and shall design all necessary forms required by 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 rule making authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.”; and

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

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 767, 653, 754, 705, 441, 528, 831, 833 & 847, Page 9, Section 301.3161, Line 49, by after all of said section and line inserting the following:

“301.3163. Any person may apply for [special] **specialty personalized** "Don't Tread on Me" motor vehicle license plates for any vehicle such 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. Such person shall make application for the [special] **specialty personalized** license plates on a form provided by the director of revenue. The director shall then issue **specialty personalized** license plates bearing letters or numbers or a combination thereof as determined by the [advisory committee established in section 301.129] **director**, with the words "DON'T TREAD ON ME" [in place of the words "SHOW-ME STATE"] **centered on the bottom one-fourth of the plate, in bold, all capital letters, and with lettering identical to the lettering used for the word "MISSOURI" on the regular state license plate. Such words shall be no smaller than forty-eight point type. Such plates shall be tiger yellow beginning at the top and bottom, with the color fading into white in the center. All numbers and letters shall be black. The left side shall contain a reproduction of the "Gadsden Snake" in black and white, with the snake to be three inches in height and two inches wide, and sitting on green grass that is two and one-quarter inches wide. Upon payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a specialty personalized plate. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section. 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.”; and**

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

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

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

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 767, 653, 754, 705, 441, 528, 831, 833 & 847, Page 2, Section 143.1009, Line 39,

“143.1026. 1. This section shall be known and may be cited as "Sahara's Law".

2. For all taxable years beginning on or after January 1, 2012, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that one dollar or any amount in excess of one dollar on a single return, and two dollars or any amount in excess of two dollars on a combined return, of the refund due be credited to the pediatric cancer research trust fund. If any individual or corporation that is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount the individual or corporation wishes to contribute. Such amounts shall be clearly designated for the fund.

3. There is hereby created in the state treasury the "Pediatric Cancer Research Trust Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. All moneys credited to the trust fund shall be considered nonstate funds under section 15, article IV, Constitution of Missouri. The treasurer shall distribute all moneys deposited in the fund at times the treasurer deems appropriate to CureSearch for children's cancer.

4. The director of revenue shall deposit at least monthly all contributions designated by individuals under this section to the state treasurer for deposit to the fund. The director of revenue shall deposit at least monthly all contributions designated by the corporations under this section, less an amount sufficient to cover the costs of collection and handling by the department of revenue, to the state treasury for deposit to the fund. A contribution designated under this section shall only be deposited in the fund after all other claims against the refund from which such contribution is to be made have been satisfied.

5. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first six years after August 28, 2012, unless reauthorized by an act of the general assembly; and

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

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

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

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

On motion of Representative Sater, **HCS SCS SBs 767, 653, 754, 705, 441, 528, 831, 833 & 847, as amended**, was adopted.

On motion of Representative Sater, **HCS SCS SBs 767, 653, 754, 705, 441, 528, 831, 833 & 847, as amended**, was read the third time and passed by the following vote:

AYES: 086

|            |              |               |             |              |
|------------|--------------|---------------|-------------|--------------|
| Allen      | Anders       | Bahr          | Barnes      | Bernskoetter |
| Berry      | Black        | Brandom       | Brattin     | Brown 50     |
| Brown 85   | Brown 116    | Burlison      | Casey       | Cauthorn     |
| Conway 27  | Cookson      | Cox           | Crawford    | Curtman      |
| Davis      | Day          | Elmer         | Fallert     | Fisher       |
| Fitzwater  | Fraker       | Franz         | Frederick   | Gosen        |
| Grisamore  | Guernsey     | Hampton       | Harris      | Hinson       |
| Holsman    | Hoskins      | Johnson       | Jones 89    | Jones 117    |
| Kelley 126 | Klippenstein | Koenig        | Korman      | Kratky       |
| Lair       | Lant         | Largent       | Lasater     | Loehner      |
| Long       | McCaherty    | McCann Beatty | McGeoghegan | McGhee       |
| Meadows    | Molendorp    | Nance         | Nasheed     | Neth         |
| Parkinson  | Phillips     | Quinn         | Redmon      | Reiboldt     |
| Riddle     | Rowland      | Sater         | Schad       | Schieber     |
| Schieffer  | Schoeller    | Shively       | Shumake     | Silvey       |
| Smith 150  | Solon        | Sommer        | Stream      | Talboy       |
| Thomson    | Torpey       | Wallingford   | White       | Wright       |
| Wyatt      |              |               |             |              |

NOES: 039

|         |           |            |          |          |
|---------|-----------|------------|----------|----------|
| Asbury  | Atkins    | Aull       | Carlson  | Carter   |
| Colona  | Conway 14 | Ellington  | Fuhr     | Haefner  |
| Higdon  | Hodges    | Hubbard    | Jones 63 | Kander   |
| Kirkton | Lampe     | Leach      | May      | McCreery |
| McManus | McNeil    | Montecillo | Morgan   | Newman   |

|            |         |             |         |       |
|------------|---------|-------------|---------|-------|
| Nichols    | Oxford  | Pace        | Pierson | Rizzo |
| Schupp     | Sifton  | Smith 71    | Spreng  | Still |
| Swearingen | Swinger | Walton Gray | Webb    |       |

PRESENT: 003

|          |          |          |
|----------|----------|----------|
| Ellinger | Kelly 24 | Marshall |
|----------|----------|----------|

ABSENT WITH LEAVE: 035

|                |           |           |              |            |
|----------------|-----------|-----------|--------------|------------|
| Cierpiot       | Cross     | Denison   | Dieckhaus    | Diehl      |
| Dugger         | Entlicher | Flanigan  | Franklin     | Funderburk |
| Gatschenberger | Hough     | Houghton  | Hughes       | Hummel     |
| Keeney         | Lauer     | Leara     | Lichtenegger | McDonald   |
| McNary         | Nolte     | Pollock   | Richardson   | Ruzicka    |
| Scharnhorst    | Schatz    | Schneider | Taylor       | Webber     |
| Wells          | Weter     | Wieland   | Zerr         | Mr Speaker |

Representative Schad declared the bill passed.

### COMMITTEE REPORT

**Committee on Rules**, Chairman Diehl reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **SCR 26**, begs leave to report it has examined the same and recommends that it **Do Pass**.

### CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1402

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1402, with Senate Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, and 9, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1402, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 1402;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1402, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Eric Burlison  
/s/ Noel Torpey  
/s/ Ryan Silvey  
/s/ Mike Talboy  
/s/ Susan Carlson

FOR THE SENATE:

/s/ Bill Stouffer  
/s/ Mike Kehoe  
/s/ Luann Ridgeway  
/s/ Jolie Justus  
/s/ Ryan McKenna

**CONFERENCE COMMITTEE REPORT NO. 2  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 455**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 455, with House Amendments Nos. 1, 2, 3, 4, 5, 6, House Amendment No. 1 to House Amendment No. 7, and House Amendment No. 7 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 455, as amended;
2. The Senate recede from its position on Senate Bill No. 455;
3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Bill No. 455 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Pearce  
/s/ Dan Brown  
/s/ Bob Dixon

FOR THE HOUSE:

/s/ Mike Thomson  
/s/ Gail McCann Beatty  
/s/ Tishaura Jones



**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 470**

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 470, with House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 as amended, House Amendments Nos. 3, 4, 5, 6, House Amendment Nos. 1 and 3 to House Amendment No. 7, House Amendment No. 7 as amended, House Amendment Nos. 8, 9, 10, 11, House Substitute Amendment No. 1 for House Amendment No. 12 and House Amendment No. 13, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 470, as amended;
2. The Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 470;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 470 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Bob Dixon  
/s/ Robert Mayer  
/s/ Jack Goodman  
/s/ Jolie Justus  
/s/ Ryan McKenna

FOR THE HOUSE:

/s/ Eric Burlison  
/s/ Jason Smith  
/s/ Charlie Denison  
/s/ Tim Meadows  
/s/ Joseph Fallert, Jr.

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE NO. 2  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 480**

The Conference Committee appointed on House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 480, with House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1 as amended, House Amendment Nos. 2 and 3, House Amendment Nos. 1 and 2 to House Amendment No. 4, House Amendment No. 4 as amended, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5 as amended, House Amendment Nos. 6, 7 and 8, House Amendment Nos. 1 and 2 to House Amendment No. 9, House Amendment No. 9 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 480, as amended;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 480;
3. That the attached Conference Committee Substitute for House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 480 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Bill Stouffer  
/s/ Mike Kehoe  
/s/ Kevin Engler  
/s/ Ryan McKenna  
/s/ Robin Wright-Jones

FOR THE HOUSE:

/s/ Eric Burlison  
/s/ Caleb Johnson  
/s/ Charlie Denison  
/s/ Joseph Fallert, Jr.

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE BILL NO. 599**

The Conference Committee appointed on Senate Bill No. 599, with House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 as amended, House Amendment Nos. 1 and 2 to House Amendment No. 3, House Amendment No. 3 as amended, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4 as amended, and House Amendment No. 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Bill No. 599, as amended;
2. The Senate recede from its position on Senate Bill No. 599;
3. That the attached Conference Committee Substitute for Senate Bill No. 599 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Kurt Schaefer  
/s/ David Pearce  
/s/ Mike Kehoe  
/s/ Joseph Keaveny  
/s/ Maria Chappelle-Nadal

FOR THE HOUSE:

/s/ Scott Dieckhaus  
/s/ Rick Stream  
/s/ Paul Fitzwater  
/s/ Sara Lampe  
/s/ Joe Aull

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 628**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 628, with House Amendments Nos. 1, 2, House Amendment Nos. 1 and 2 to House Amendment No. 4, House Amendment No. 4 as amended, House Amendments Nos. 5, 6, 7, 8, 9, 10, 11, House Amendment No. 1 to House Amendment No. 12, House Amendment No. 12 as amended, House Amendment No. 13, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 628, as amended;
2. The Senate recede from its position on Senate Bill No. 628;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 628, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Kurt Schaefer  
/s/ Mike Kehoe  
/s/ Bob Dixon  
/s/ Jolie Justus  
/s/ Joseph Keaveny

FOR THE HOUSE:

/s/ Stan Cox  
/s/ John Diehl  
/s/ Kevin Elmer  
/s/ Susan Carlson  
/s/ Chris Kelly

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 631**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 631, with House Amendment Nos. 1, 2, 3, 4, 5, House Amendment No. 1 to House Amendment No. 8, and House Amendment No. 8 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 631, as amended;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 631;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 631, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Mike Parson  
/s/ Brian Munzlinger  
/s/ Bill Stouffer  
/s/ Victor Callahan  
/s/ Jolie Justus

FOR THE HOUSE:

/s/ Bill Reiboldt  
/s/ Casey Guernsey  
/s/ Tom Loehner  
/s/ Ed Schieffer  
/s/ Sylvester Taylor

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE SUBSTITUTE  
FOR  
SENATE BILL NO. 749**

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 749, with House Amendment Nos. 1, 2, 3 and 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 749, as amended;
2. The Senate recede from its position on Senate Substitute for Senate Bill No. 749;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 749 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ John Lamping  
/s/ Tom Dempsey  
/s/ Ron Richard

FOR THE HOUSE:

/s/ Timothy Jones  
/s/ Sandy Crawford  
/s/ Stan Cox

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE SUBSTITUTE  
FOR  
SENATE BILL NO. 769**

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 769, with House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1 as amended, House Amendment Nos. 2, 3, 4, 5 and 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 769, as amended;
2. The Senate recede from its position on Senate Substitute for Senate Bill No. 769;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 769 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Will Kraus  
/s/ Scott Rupp  
/s/ Mike Kehoe  
/s/ Timothy Green

FOR THE HOUSE:

/s/ Todd Richardson  
/s/ Anne Zerr  
/s/ Mike Cierpiot  
/s/ Sylvester Taylor  
/s/ Scott Sifton

### RECESS

Representative Jones (89) moved that the House stand in recess until such time as the Conference Committee Report on **SS#2 SCS HB 1170, as amended**, is distributed or 1:00 a.m., whichever is sooner, then stand adjourned until 10:00 a.m., Friday, May 18, 2012.

### CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1170

The Conference Committee appointed on Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1170, with Senate Amendment Nos. 1, 2, 3, and 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1170, as amended;
2. That the House recede from its position on House Bill No. 1170;
3. That the attached Conference Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1170, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Ward Franz  
/s/ Anne Zerr  
/s/ Todd Richardson  
/s/ Mike Talboy  
/s/ John Rizzo

FOR THE SENATE:

/s/ Mike Parson  
/s/ Eric Schmitt  
/s/ Victor Callahan

## **ADJOURNMENT**

Pursuant to the motion of Representative Jones (89), the House adjourned until 10:00 a.m., Friday, May 18, 2012.

## **COMMITTEE MEETINGS**

### **FISCAL REVIEW**

Friday, May 18, 2012, 8:30 AM South Gallery.

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

Any bills referred to the committee

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

Friday, May 18, 2012, 8:45 AM North Gallery.

Executive session may be held on any or all bills referred to this committee.

CORRECTED

## **HOUSE CALENDAR**

SEVENTY-SIXTH DAY, FRIDAY, MAY 18, 2012

## **HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HCS HJR 89 - Schoeller
- 2 HCS HJR 64 - Curtman

## **HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1198, as amended - Fisher
- 2 HCS HB 1275 - Koenig
- 3 HB 1718 - Scharnhorst (2 hours debate on Perfection)
- 4 HCS HB 1210, as amended - Gatschenberger
- 5 HCS HB 1795 - Ruzicka
- 6 HB 1966 - Burlison
- 7 HB 1779 - Flanigan
- 8 HCS HB 1794 - Grisamore
- 9 HCS HB 1754 - Cox
- 10 HCS HB 1815 - Pollock
- 11 HB 1842 - Lant
- 12 HCS HB 1935 - Franz
- 13 HB 2063, as amended - Denison
- 14 HCS HB 2100 - Denison
- 15 HCS HB 1709 - Hough
- 16 HCS#2 HB 1358 - Gatschenberger
- 17 HCS HB 1397 - Gatschenberger
- 18 HCS HBs 1542 & 1101 - Koenig
- 19 HCS#2 HB 1213 - Franklin

2583 *Journal of the House*

- 20 HCS HB 1846 - Long
- 21 HCS HB 1585 - Cross
- 22 HCS HB 1971 - Schneider
- 23 HB 1690 - May
- 24 HB 1728 - Johnson
- 25 HB 1790 - Torpey
- 26 HCS HB 1970 - Jones (117)
- 27 HB 1144 - Gatschenberger
- 28 HB 1394 - Brandom
- 29 HB 1456 - Black
- 30 HCS HB 1609 - Nasheed
- 31 HCS HB 1612 - Burlison
- 32 HB 2038 - Wallingford
- 33 HCS HB 1877 - Sommer

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HCS HJR 61 - Loehner

**HOUSE BILLS FOR THIRD READING**

- 1 HCS HBs 1298 & 1180 - Parkinson
- 2 HB 1066 - McGhee

**HOUSE CONCURRENT RESOLUTIONS**

- 1 HCR 55 - Nolte
- 2 HCR 57 - McNary

**SENATE BILLS FOR THIRD READING**

- 1 HCS SB 620 - Gosen
- 2 HCS SCS SB 856 - Barnes
- 3 SS SCS SBs 489 & 637, E.C. - Franz
- 4 SCS SB 788 - Diehl
- 5 HCS SCS SB 655 - Kelly (24)
- 6 HCS SB 667 - Korman
- 7 HCS SCS SB 671, E.C. - Dugger
- 8 HCS SB 557 - Franz
- 9 HCS SB 594 - Pollock
- 10 SCS SB 835, E.C. - Bernskoetter
- 11 SS SB 464 - Burlison
- 12 HCS SB 721, E.C. - Diehl
- 13 SS SB 727 - Silvey



## HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SS SCS HCS HB 1150, as amended - Smith (150)
- 2 SS SCS HCS HB 1498 - Hough
- 3 SCS HCS HB 1758 - Long
- 4 SCS HCS#2 HB 1323 - Black
- 5 SS SCS HCS HB 1280 - Korman
- 6 SCS HCS HB 1827 - Richardson
- 7 HCS HB 1171, with SA 1 - Franz
- 8 SS HCS HB 1576, as amended - Largent
- 9 SS SCS HB 1820, E.C. - Asbury
- 10 SCS HCS HCR 33, E.C. - Bernskoetter
- 11 HCS HB 1818, with SA 1 & SA 2 - Schad
- 12 SS SCS HB 1251, as amended, E.C. - Ruzicka
- 13 SS HCS HB 1647, as amended, E.C. - Riddle
- 14 HCS HB 1644, with SA 1 to SA 1 & SA 1, as amended - Barnes

## BILLS CARRYING REQUEST MESSAGES

- 1 SS SCS HB 1807, HB 1093, HB 1107, HB 1156, HB 1221, HB 1261, HB 1269, HB 1641, HB 1668, HB 1737, HB 1782, HB 1868 AND HB1878, as amended (request House take up and pass bill) - Marshall
- 2 HCS SB 636, as amended (House refuses further conference/request Senate adopt CCR/pass bill) - Diehl
- 3 SCS HCS HB 1072, (request Senate recede/grant conference) - Sater
- 4 HB 1424, with SA 1 to SA 1 & SA 1, as amended, (request Senate recede/grant conference) - Marshall
- 5 SB 893, with HA 1, (request House recede/grant conf) - Richardson
- 6 HCS SB 701, as amended, (request House recede/take up and pass bill) - Wright

## BILLS IN CONFERENCE

- 1 CCR SB 611, with HA 1, HA 2, HA 3, HA 4, HA 5, HA 6, HA 7 & HA 8 - Stream
- 2 CCR#2 SS SCS SB 719, with HA 1, HA 2, HA 3, as amended, HA 4, HA 5 & HA 6, E.C. - Brown (116)
- 3 CCR HCS SCS SB 569, as amended - Dugger
- 4 CCR SS SCS HB 1073 AND HCS HB 1477, as amended - Sater
- 5 CCR HCS SCS SB 498, as amended, E.C. - Shumake
- 6 HCS SS SCS SB 467, as amended - Cox
- 7 CCR#2 HCS SB 455, as amended - Thomson
- 8 CCR HCS SB 578, as amended, E.C. - Cox
- 9 CCR HCS SB 628, as amended - Kelly (24)
- 10 CCR HCS SCS SB 635, as amended (conferees exceed differences), E.C. - Phillips
- 11 CCR SS SCS HCS HB 1402, as amended, E.C. - Burlison
- 12 CCR HCS SS SCS SB 470, as amended - Burlison
- 13 CCR SS SB 665, with HA 1, HA 2, HA 3, as amended, HA 4, HA 5 & HA 6, - Asbury
- 14 HCS SCS SB 711, as amended - Largent

- 15 HCS SB 739, as amended - Cox
- 16 CCR HCS SCS SB 631, as amended - Reiboldt
- 17 CCR SB 599, with HA 1, HA 2, as amended, HA 3, as amended, HA 4, as amended &  
HA 5, E.C. - Dieckhaus
- 18 HCS SCS SB 726, as amended - Wells
- 19 CCR HCS#2 SCS SB 480, as amended - Burlison
- 20 HCS SCS SB 673, as amended, E.C. - Day
- 21 HCS SS SB 854, as amended, E.C. - Long
- 22 CCR HCS SS SB 749, as amended, E.C. - Jones (89)
- 23 HCS SB 668, as amended - Diehl
- 24 CCR HCS SS SB 769, as amended - Cierpiot
- 25 CCR SS#2 SCS HB 1170, as amended, E.C. - Franz
- 26 HCS SB 813, as amended - Dieckhaus
- 27 SS HB 1318, as amended - Riddle
- 28 HCS#2 SCS SB 729, as amended, E.C. - Kelly (24)
- 29 HCS SCS SB 510, as amended, E.C. - Diehl
- 30 SB 564, HA 1, HA 2, as amended, HA 3, HA 4, HA 6 & HA 8 - Davis

#### **SENATE CONCURRENT RESOLUTIONS**

- 1 SS SCR 16 - Asbury
- 2 SCS SCR 17 - Diehl
- 3 SCR 24 - Davis
- 4 SCR 15 - Schieffer
- 5 SCR 26 - Cierpiot

#### **HOUSE BILLS VETOED FROM SECOND REGULAR SESSION**

HB 1219 - Elmer

#### **SENATE BILLS VETOED FROM SECOND REGULAR SESSION**

SS SCS SB 572 - Richardson