

# JOURNAL OF THE HOUSE

First Regular Session, 98th GENERAL ASSEMBLY

SIXTIETH DAY, WEDNESDAY, APRIL 29, 2015

The House met pursuant to adjournment.

Speaker Diehl in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

*O give thanks unto the Lord, for He is good; for His mercy endureth forever. (Psalm 107:1)*

Eternal God, we acknowledge our dependence upon You and offer You the devotion of our hearts. You have been wonderfully good to us and our spirits rejoice, our minds give thanks, and our hearts take courage.

We thank You for the high privilege which has been ours to walk together and to work together in the service of our beloved Missouri. We pray that our efforts may strengthen our State, improve the moral fiber of our people, increase law and order in Missouri and meet the needs of all our citizens.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

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

## SECOND READING OF HOUSE BILLS - APPROPRIATIONS

The following House Bill was read the second time:

**HB 19**, to appropriate money for purposes for the several departments and offices of state government and for capital improvements.

## COMMITTEE REPORTS

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

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 513**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 164**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SB 174**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SB 322**, begs leave to report it has examined the same and recommends that it **Do Pass**.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 152** entitled:

An act to repeal sections 566.210, 566.211, 566.212, and 566.213, RSMo, and to enact in lieu thereof four new sections relating to sexual trafficking of a child, with penalty provisions.

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

#### *Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Bill No. 152, Page 1, In the Title, Line 3, by striking “sexual trafficking of a child” and inserting in lieu thereof the following:

“human trafficking”; and

Further amend said bill, Page 4, Section 566.213, Line 25, by inserting immediately after said line the following:

“589.660. As used in sections 589.660 to 589.681, the following terms mean:

(1) “Address”, a residential street address, school address, or work address of a person, as specified on the person's application to be a program participant;

(2) “Application assistant”, an employee of a state or local agency, or of a nonprofit program that provides counseling, referral, shelter, or other specialized service to victims of domestic violence, rape, sexual assault, **human trafficking**, or stalking, who has been designated by the respective agency or program, and who has been trained and registered by the secretary of state to assist individuals in the completion of program participation applications;

(3) “Designated address”, the address assigned to a program participant by the secretary;

(4) “Mailing address”, an address that is recognized for delivery by the United States Postal Service;

(5) “Program”, the address confidentiality program established in section 589.663;

(6) “Program participant”, a person certified by the secretary of state as eligible to participate in the address confidentiality program;

(7) “Secretary”, the secretary of state.

589.663. There is created in the office of the secretary of state a program to be known as the “Address Confidentiality Program” to protect victims of domestic violence, rape, sexual assault, **human trafficking**, or stalking by authorizing the use of designated addresses for such victims and their minor children. The program shall be administered by the secretary under the following application and certification procedures:

(1) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person may apply to the secretary to have a designated address assigned by the secretary to serve as the person's address or the address of the minor or incapacitated person;

(2) The secretary may approve an application only if it is filed with the office of the secretary in the manner established by rule and on a form prescribed by the secretary. A completed application shall contain:

(a) The application preparation date, the applicant's signature, and the signature and registration number of the application assistant who assisted the applicant in applying to be a program participant;

(b) A designation of the secretary as agent for purposes of service of process and for receipt of first-class mail, legal documents, and certified mail;

(c) A sworn statement by the applicant that the applicant has good reason to believe that he or she:

a. Is a victim of domestic violence, rape, sexual assault, **human trafficking**, or stalking; and

b. Fears further violent acts from his or her assailant;

(d) The mailing address where the applicant may be contacted by the secretary or a designee and the telephone number or numbers where the applicant may be called by the secretary or the secretary's designee; and

(e) One or more addresses that the applicant requests not be disclosed for the reason that disclosure will jeopardize the applicant's safety or increase the risk of violence to the applicant or members of the applicant's household;

(3) Upon receipt of a properly completed application, the secretary may certify the applicant as a program participant. A program participant is certified for four years following the date of initial certification unless the certification is withdrawn or cancelled before that date. The secretary shall send notification of lapsing certification and a reapplication form to a program participant at least four weeks prior to the expiration of the program participant's certification;

(4) The secretary shall forward first class mail, legal documents, and certified mail to the appropriate program participants.”; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Bill No. 152, Page 2, Section 566.210, Line 15, by inserting immediately at the end of said line the following:

**“In addition to any other penalties provided under this section, such conduct shall constitute an unlawful practice under section 407.020.”; and**

Further amend said bill, Page 2, Section 566.211, Line 16, by inserting immediately at the end of said line the following:

**“In addition to any other penalties provided under this section, such conduct shall constitute an unlawful practice under section 407.020.”; and**

Further amend said bill, Page 3, Section 566.212, Line 16, by inserting immediately at the end of said line the following:

**“In addition to any other penalties provided under this section, such conduct shall constitute an unlawful practice under section 407.020.”; and**

Further amend said bill, Page 4, Section 566.213, Line 15, by inserting immediately at the end of said line the following:

**“In addition to any other penalties provided under this section, such conduct shall constitute an unlawful practice under section 407.020.”.**

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 SCS SB 5, as amended**.

Senators: Schmitt, Schaefer, Dixon, Chappelle-Nadal and Holsman

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has refused to adopt the Conference Committee Report on **HCS SB 104, as amended**, and requests the House grant further conference.

### BILLS CARRYING REQUEST MESSAGES

**HCS SB 104, as amended**, relating to elections, was taken up by Representative Dugger.

Representative Dugger moved that the House grant the Senate further conference on **HCS SB 104, as amended**.

Which motion was adopted.

### RE-APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker re-appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

**HCS SB 104**: Representatives Dugger, Entlicher, Alferman, Conway (10), and Newman

### THIRD READING OF SENATE BILLS

**HCS SB 282**, relating to property and casualty insurance procedures, was taken up by Representative Gosen.

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

#### *House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 282, Page 8, Section 375.1605, Line 110, by inserting after all of said line the following:

"376.791 1. The provisions of subdivisions (4) and (5) of subsection 2 of section 376.777 shall not apply to any individual health insurance coverage. The term "individual health insurance coverage" shall have the meaning assigned to it in section 376.450, RSMo.

2. The director shall promulgate rules and regulations to implement and administer the provisions of this section prior to January 1, 2016. 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, 2015, shall be invalid and void."; and

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

On motion of Representative Gosen, **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. 282, Page 11, Section 379.473, Lines 1-5, by deleting all of said lines and inserting in lieu thereof the following:

"379.473. 1. A rating difference that results from application of a rating plan that is intended to control rate changes applicable to a current policyholder upon renewal of the policy or the transfer of a policy in force among insurers shall be permitted and such a rating difference shall not be considered excessive, inadequate, or unfairly discriminatory under section 379.318 or section 379.470, and shall not be deemed an unfair trade practice under sections 375.930 to 375.948 or a violation of section 379.356.

2. The provisions of this section shall apply to personal and commercial lines of property and casualty insurance. The director may exclude, by rule, the lines of workers' compensation insurance, medical malpractice insurance, and surety bonds from the applicability of this section.

3. The director may promulgate any rules necessary to implement and administer 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, 2015, shall be invalid and void."; and

Further amend said bill, Page 12, Section 379.1706, Line 18, by inserting at the end of said line the following:

"A transportation network company shall not include shared expense carpooling or vanpooling services."; and

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

Speaker Pro Tem Hoskins assumed the Chair.

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Bill No. 282, Page 1, In the Title, Line 3, by deleting the words "property and casualty"; and

Further amend said bill, Page 8, Section 375.1605, Line 110, by inserting after all of said section and line the following:

"376.1950. 1. Subject to any limitations a federal agency or federal law may impose on health carriers, any health carrier that offers or issues individual health benefit plans which are delivered, issued for delivery, continued, or renewed in this state shall make available to its appointed insurance producers its individual health benefit plan premiums and plans no later than twenty-one days prior to the beginning of the annual enrollment period, in accordance with federal law.

2. Such health carrier may provide its health benefit plan monthly premiums and summary of benefits to its appointed insurance producers in a format determined by the health carrier.

3. No provision in this section shall be construed to provide the department of insurance, financial institutions and professional registration with approval authority over any health benefit premiums or plans.

4. As used in this section, the term "health carrier" shall have the same meaning assigned to it as in section 376.1350."; and

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

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

Representative Keeney assumed the Chair.

On motion of Representative Gosen, **HCS SB 282, as amended**, was adopted.

On motion of Representative Gosen, **HCS SB 282, as amended** was read the third time and passed by the following vote:

AYES: 125

Adams	Alferman	Allen	Anderson	Andrews
Austin	Bahr	Barnes	Basye	Beard
Bernskoetter	Berry	Black	Bondon	Brattin
Brown 57	Brown 94	Burlison	Bums	Butler
Carpenter	Chipman	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Corlew	Comejo	Crawford
Cross	Curtman	Davis	Dogan	Dohman
Dugger	Eggleston	Engler	English	Entlicher
Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker	Franklin
Frederick	Gannon	Gosen	Green	Haahr
Haefner	Hansen	Harris	Hicks	Higdon
Hill	Hinson	Hoskins	Houghton	Hubbard
Hubrecht	Hurst	Johnson	Jones	Justus
Keeney	Kelley	Kendrick	Kidd	King
Koenig	Kolkmeier	Korman	Lair	Lant
Lauer	Lavender	Leara	Lichtenegger	Love
Lynch	Mathews	May	McCaherty	McCreery
McDaniel	McDonald	McGaugh	McManus	McNeil
Messenger	Morris	Muntzel	Neely	Otto
Päutsch	Phillips	Pietzman	Pike	Reiboldt
Remole	Rhoads	Richardson	Roden	Roeber
Rone	Ross	Rowland	Ruth	Shaul
Shull	Shumake	Solon	Sommer	Spencer
Swan	Taylor	Vescovo	Walker	Webber
White	Wiemann	Wilson	Wood	Zerr

NOES: 028

Anders	Arthur	Curtis	Dunn	Ellington
Gardner	Hummel	Kirkton	Kratky	LaFaver
Marshall	McCann Beatty	Meredith	Mims	Mitten
Montecillo	Moon	Morgan	Nichols	Norr
Pace	Peters	Pierson	Pogue	Rizzo
Runions	Smith	Walton Gray		

PRESENT: 000

ABSENT WITH LEAVE: 009

Flanigan	Hough	Miller	Newman	Parkinson
Redmon	Rehder	Rowden	Mr. Speaker	

VACANCIES: 001

Representative Keeney declared the bill passed.

**SB 318**, relating to the designation of a highway, was taken up by Representative Cookson.

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

*House Amendment No. 1*

AMEND Senate Bill No. 318, Page 1, Section A, Line 2, by inserting immediately after said section and line the following:

**"227.428. The portion of Business Highway 71 from the Interstate 29 intersection traveling north for two miles and located in Andrew County shall be designated as the "Randy Bever Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway with the cost for such designation to be paid by private donation.";** and

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

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

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

*House Amendment No. 2*

AMEND Senate Bill No. 318, Page 1, In the Title, Lines 2-3, by deleting the words "the designation of a highway" and inserting in lieu thereof the words "highway designations"; and

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

**"227.524. The portion of Highway 10 from the western border of the city limits of Norborne in Carroll County to the eastern border of the city limits of Hardin in Ray County shall be designated the "Ray-Carroll County Veterans Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway with costs to be paid by private donations.";** and

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

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

On motion of Representative Cookson, **HB 318, as amended**, was read the third time and passed by the following vote:

AYES: 149

Adams	Alfeman	Allen	Anders	Anderson
Andrews	Arthur	Austin	Bahr	Basye
Beard	Bemskoetter	Berry	Black	Bondon
Brattin	Brown 57	Brown 94	Burlison	Burns
Butler	Carpenter	Chipman	Cierpiot	Conway 10
Conway 104	Cookson	Corlew	Comejo	Crawford
Cross	Curtman	Davis	Dogan	Dohman
Dugger	Dunn	Eggleston	Engler	Entlicher
Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker	Franklin
Frederick	Gannon	Gardner	Gosen	Green

Haahr	Haefner	Hansen	Harris	Hicks
Higdon	Hill	Hinson	Hoskins	Hough
Houghton	Hubbard	Hubrecht	Hummel	Hurst
Johnson	Jones	Justus	Keeney	Kelley
Kendrick	Kidd	King	Kirkton	Koenig
Kolkmeier	Korman	LaFaver	Lair	Lant
Lauer	Lavender	Leara	Love	Lynch
Marshall	Mathews	May	McCaherty	McCann Beatty
McCreery	McDaniel	McDonald	McGaugh	McManus
McNeil	Meredith	Miller	Mims	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Newman	Nichols	Norr	Otto	Pace
Peters	Pfautsch	Pierson	Pietzman	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Rizzo	Roden	Roeber
Rone	Ross	Rowden	Rowland	Runions
Ruth	Shaul	Shull	Shumake	Smith
Solon	Sommer	Spencer	Swan	Taylor
Vescovo	Walker	Walton Gray	Webber	White
Wiemann	Wilson	Wood	Zerr	

NOES: 002

Ellington                      Kratky

PRESENT: 002

Barnes                          Curtis

ABSENT WITH LEAVE: 009

Colona	English	Flanigan	Lichtenegger	Messenger
Mitten	Parkinson	Phillips	Mr. Speaker	

VACANCIES: 001

Representative Keeney 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 refuses to concur in **HCS SCS SB 473, 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 BILLS

**HCS SCS SB 270**, relating to public retirement systems, was taken up by Representative Dugger.

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



House Amendment No. 1

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 270, Page 13, Section 86.320, Line 22, by inserting after all of said line the following:

**"104.037. If a retired member of the Missouri department of transportation and highway patrol employees' retirement system or the Missouri state employees' retirement system is elected to any state office, appointed to any state office, or is reemployed by a department and such member reimburses the retirement system for any amount received as retirement benefits, increased by an additional amount to account for interest which would have accrued should the retirement benefits not have been paid, such member shall be considered an active member of the retirement system, and upon retirement, the member's creditable service shall be calculated as if the member had never retired and received any retirement benefits.**

104.380. **1. Except as provided in subsection 2 of this section,** if a retired member is elected to any state office or is appointed to any state office or is employed by a department in a position normally requiring the performance by the person of duties during not less than one thousand forty hours per year, the member shall not receive an annuity for any month or part of a month for which the member serves as an officer or employee, but the member shall be considered to be a new employee with no previous creditable service and must accrue creditable service continuously for at least one year in order to receive any additional annuity. Any retired member who again becomes an employee and who accrues additional creditable service and later retires shall receive an additional amount of monthly annuity calculated to include only the creditable service and the average compensation earned by the member since such employment or creditable service earned as a member of the general assembly. Years of membership service and twelfths of a year are to be used in calculating any additional annuity except for creditable service earned as a member of the general assembly, and such additional annuity shall be based on the type of service accrued. In either event, the original annuity and the additional annuity, if any, shall be paid commencing with the end of the first month after the month during which the member's term of office has been completed, or the member's employment terminated. If a retired member is employed by a department in a position that does not normally require the person to perform duties during at least one thousand forty hours per year, the member shall not be considered an employee as defined pursuant to section 104.010. A retired member who becomes reemployed as an employee on or after August 28, 2001, in a position covered by the Missouri department of transportation and highway patrol employees' retirement system shall not be eligible to receive retirement benefits or additional creditable service from the state employees' retirement system. Annual benefit increases paid under section 104.415 shall not accrue while a retired member is employed as described in this section. Any future annual benefit increases paid after the member terminates such employment will be paid in the same month as the member's original annual benefit increases were paid. Benefits paid under subsection 3 of section 104.374 are not applicable to any additional annuity paid under this section.

**2. If a retired member of the Missouri department of transportation and highway patrol employees' retirement system or the Missouri state employees' retirement system is elected to any state office, appointed to any state office, or is reemployed by a department and such member reimburses the retirement system for any amount received as retirement benefits, increased by an additional amount to account for interest which would have accrued should the retirement benefits not have been paid, such member shall be considered an active member of the retirement system, and upon retirement, the member's creditable service shall be calculated as if the member had never retired and received any retirement benefits.**

104.1039. **1. Except as provided in subsection 2 of this section,** if a retiree is employed as an employee by a department, the retiree shall not receive an annuity payment for any calendar month in which the retiree is so employed. While reemployed the retiree shall be considered to be a new employee with no previous credited service and must accrue credited service continuously for at least one year in order to receive any additional annuity. Such retiree shall receive an additional annuity in addition to the original annuity, calculated based only on the credited service and the pay earned by such retiree during reemployment and paid in accordance with the annuity option originally elected; provided such retiree who ceases to receive an annuity pursuant to this section shall not receive such additional annuity if such retiree is employed by a department in a position that is covered by a state-sponsored defined benefit retirement plan not created pursuant to this chapter. The original annuity and any additional annuity shall be paid commencing as of the end of the first month after the month during which the retiree's reemployment terminates. Cost-of-living adjustments paid under section 104.1045 shall not accrue while a retiree is employed as

described in this section. Any future cost-of-living adjustments paid after the retiree terminates such employment will be paid in the same month as the retiree's original annual benefit increases were paid.

**2. If a retired member of the Missouri department of transportation and highway patrol employees' retirement system or the Missouri state employees' retirement system is elected to any state office, appointed to any state office, or is reemployed by a department and such member reimburses the retirement system for any amount received as retirement benefits, increased by an additional amount to account for interest which would have accrued should the retirement benefits not have been paid, such member shall be considered an active member of the retirement system, and upon retirement, the member's creditable service shall be calculated as if the member had never retired and received any retirement benefits."**; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 270, Page 13, Section 86.320, Line 22, by inserting after all of said line the following:

"105.669. 1. Any participant of a plan who is [found guilty] **convicted** of a felony offense listed in subsection 3 of this section, which is committed in direct connection with or directly related to the participant's duties as an employee on or after August 28, 2014, shall not be eligible to receive any retirement benefits from the respective plan based on service rendered on or after August 28, 2014, except a participant may still request from the respective retirement system a refund of the participant's plan contributions, including interest credited to the participant's account.

2. [Upon a finding of guilt, the court shall forward a notice of the court's finding to] **The employer of any participant who is charged or convicted of a felony offense listed in subsection 3 of this section, which is committed in direct connection with or directly related to the participant's duties as an employee on or after August 28, 2014, shall notify** the appropriate retirement system in which the offender was a participant[. The court shall also make a determination on the value of the money, property, or services involved in committing the offense] **and provide information in connection with such charge or conviction.** The plans shall take all actions necessary to implement the provisions of this section.

3. The finding of guilt for any of the following offenses or a substantially similar offense provided under federal law shall result in the ineligibility of retirement benefits as provided in subsection 1 of this section:

- (1) The offense of felony stealing under section 570.030 when such offense involved money, property, or services valued at five thousand dollars or more as determined by the court;
- (2) The offense of felony receiving stolen property under section 570.080 when such offense involved money, property, or services valued at five thousand dollars or more as determined by the court;
- (3) The offense of forgery under section 570.090;
- (4) The offense of felony counterfeiting under section 570.103;
- (5) The offense of bribery of a public servant under section 576.010; or
- (6) The offense of acceding to corruption under section 576.020."; and

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

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 270, Page 13, Section 86.320, Line 22, by inserting after said line the following:

"104.403. 1. Any state employee or retiree, **but not including a current or former member of the general assembly or statewide elected official**, who retires pursuant to section 104.404, and who is also eligible for medical coverage as described in section 103.115, shall be eligible to apply for the following coverage:

(1) Such retiree may elect to continue coverage for himself or herself and any eligible dependents at the same cost as if such retiree was an active employee;

(2) Such retiree may continue to pay the applicable rate as if the retiree were an active employee for a maximum period of five years or upon becoming eligible for Medicare, whichever occurs first; and

(3) After five years or upon becoming eligible for Medicare, the cost for medical coverage for such retiree and any dependents shall revert to the applicable rate in place at that time.

2. Any employee [or retiree] of a participating member agency who retires pursuant to section 104.404 shall only be eligible to have the provisions of subsection 1 of this section applied to his or her coverage if the governing body of the participating member agency elects to provide such benefits.

3. The governing boards of Truman State University, Lincoln University, the educational institutions described in section 174.020, the highway commission that governs the health care plans of the Missouri department of transportation and the Missouri state highway patrol, and the conservation commission of the department of conservation may elect to provide its employees or retirees who retire pursuant to section 104.404 the same benefits as described in subsection 1 of this section under the respective medical plans of those institutions and departments. [If the highway commission elects to provide retirees the benefits of this section, any special consultant pursuant to section 104.515 who is a member of the Missouri department of transportation and Missouri state highway patrol medical and life insurance plan and who retired on or after February 1, 2003, but prior to July 1, 2003, shall be eligible to receive the benefits of this section.]

104.404. 1. An employee who has not been a retiree of the system in which such employee is currently receiving creditable or credited service, who is eligible to receive a normal annuity pursuant to section 104.080, 104.090, 104.100, 104.271, or 104.400, or a life and any temporary annuity pursuant to section 104.1024, and whose annuity commences no later than [September 1, 2003,] **November 1, 2015**, shall be eligible to receive the medical benefits described in section 104.403.

2. [An employee who would be eligible to receive a normal annuity pursuant to section 104.080, 104.090, 104.100, 104.271, or 104.400, or a life and any temporary annuity pursuant to section 104.1024, no later than January 1, 2004, shall be eligible to retire based on the employee's creditable or credited service and the average compensation or final average pay on the employee's date of termination of employment if the employee applies to retire and whose annuity commences no later than September 1, 2003. Such employee who so retires shall be eligible to receive the medical benefits described in subsection 1 of this section.

3. Any employee described in subsections 1 and 2 of this section who otherwise would be eligible to elect to receive benefits under the provisions of sections 104.625 and 104.1024, by no later than January 1, 2004, shall be eligible to elect to receive benefits pursuant to sections 104.625 and 104.1024; except that in no event shall a lump sum payment be made for any time period after the employee's annuity starting date.

4.] A retiree whose retirement annuity commenced on or after [February 1, 2003] **March 1, 2015**, but no later than [September 1, 2003] **November 1, 2015**, shall be eligible to receive the medical benefits described in section 104.403.

[5.] 3. The state may hire employees to replace those employees retiring pursuant to this section and section 104.403, except that departments shall not fill more than twenty-five percent of those positions vacated. Exceptions to the twenty-five percent restriction may be made for critical or seasonal positions or positions which are entirely federally funded. Such determination shall be made by rule and regulation promulgated by the office of administration. The provisions of this subsection shall not apply to Truman University, Lincoln University or the educational institutions described in section 174.020.

[6.] 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, [2003] **2015**, shall be invalid and void.

[7.] **5.** The Missouri state employees' retirement system and the highways and transportation employees' and highway patrol retirement system, **if applicable**, shall make a report in writing to the governor[,] **and** commissioner of administration[, and the general assembly by April 1, 2004,] **by December 1, 2015**, and in addition shall provide [monthly tracking] **a report** of the effect of state employee retirements pursuant to this section and section 104.403. [The report shall cover the time period of February 1, 2003, to January 31, 2004.] The report shall include the number of such retirements, the amount of payroll affected as a result of retirements, and the financial effect of such retirements as expressed in a report by each system's actuary.

[8.] **6.** The office of administration shall make a report in writing to the governor and the general assembly by [April 1, 2004,] **March 1, 2016**, and in addition shall provide [monthly tracking] **a report** of the budgetary effect of state employee retirements [pursuant] **relative to the effect of** this section and section 104.403. The report shall include the amount of payroll reduced as a result of such retirements, the number of positions that are core cut as a result of such retirements, the number of employees employed to replace those who retired pursuant to this section, and the financial effect on the budget, including any costs associated with payment of medical premiums by the state.

[9.] **7.** The Missouri consolidated health care plan shall make a report in writing to the [governor and the general assembly by April 1, 2004, and in addition shall provide monthly tracking] **office of administration by December 1, 2015**, of the effect of state not be limited to, the amount of payroll reduced as a result of such retirements, the number of positions that are core cut as a result of such retirements, the number of employees employed to replace those who retired pursuant to this section, and the financial effect on the budget, including any costs associated with payment of medical premiums by the state."; and

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

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

Representative Fitzwater (144) offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 270, Page 13, Section 86.320, Line 22, by inserting after all of said line the following:

"169.070. 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or who has attained age fifty-five and whose creditable service is twenty-five years or more or whose creditable service is thirty years or more regardless of age, may be the sum of the following items, not to exceed one hundred percent of the member's final average salary:

- (1) Two and five-tenths percent of the member's final average salary for each year of membership service;
- (2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years. In lieu of the retirement allowance otherwise provided in subdivisions (1) and (2) of this subsection, a member may elect to receive a retirement allowance of:
- (3) Two and four-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years, and the member has not attained age fifty-five;
- (4) Two and thirty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained age fifty-five;
- (5) Two and three-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years, and the member has not attained age fifty-five;
- (6) Two and twenty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years, and the member has not attained age fifty-five;

(7) Two and two-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-five years or more but less than twenty-six years, and the member has not attained age fifty-five;

(8) [Between July 1, 2001, and July 1, 2014,] Two and fifty-five hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is thirty-one years or more regardless of age.

2. In lieu of the retirement allowance provided in subsection 1 of this section, a member whose age is sixty years or more on September 28, 1975, may elect to have the member's retirement allowance calculated as a sum of the following items:

(1) Sixty cents plus one and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years;

(3) Three-fourths of one percent of the sum of subdivisions (1) and (2) of this subsection for each month of attained age in excess of sixty years but not in excess of age sixty-five.

3. (1) In lieu of the retirement allowance provided either in subsection 1 or 2 of this section, collectively called "option 1", a member whose creditable service is twenty-five years or more or who has attained the age of fifty-five with five or more years of creditable service may elect in the member's application for retirement to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2. Upon the member's death the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the retired member elected option 1;

OR

Option 3. Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 4. Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 5. Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the total of the remainder of such one hundred twenty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the one hundred twenty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum;

OR

Option 6. Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the total of the remainder of such sixty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the sixty payments paid to the

retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated to receive the survivorship payments dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after acquiring twenty-five or more years of creditable service or after attaining the age of fifty-five years and acquiring five or more years of creditable service and before retirement, except retirement with disability benefits, and the person named by the member as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship benefits under option 2 or a payment of the accumulated contributions of the member. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section;

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either a payment of the member's accumulated contributions, or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the member's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section.

4. If the total of the retirement or disability allowance paid to an individual before the death of the individual is less than the accumulated contributions at the time of retirement, the difference shall be paid to the beneficiary of the individual, or to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the individual in that order of precedence. If an optional benefit as provided in option 2, 3 or 4 in subsection 3 of this section had been elected, and the beneficiary dies after receiving the optional benefit, and if the total retirement allowance paid to the retired individual and the beneficiary of the retired individual is less than the total of the contributions, the difference shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence, unless the retired individual designates a different recipient with the board at or after retirement.

5. If a member dies and his or her financial institution is unable to accept the final payment or payments due to the member, the final payment or payments shall be paid to the beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated. If the beneficiary of a deceased member dies and his or her financial institution is unable to accept the final payment or payments, the final payment or payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated.

6. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the death of the member shall be paid to the beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or to the estate of the member, in that order of precedence; except that, no such payment shall be made if the beneficiary elects option 2 in subsection 3 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence.

7. If a member ceases to be a public school employee as herein defined and certifies to the board of trustees that such cessation is permanent, or if the membership of the person is otherwise terminated, the member shall be paid the member's accumulated contributions with interest.

8. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, if a member ceases to be a public school employee after acquiring five or more years of membership service in Missouri, the member may at the option of the member leave the member's contributions with the retirement system and claim a retirement allowance any time after reaching the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.010 to 169.141 on the basis of the member's age, years of service, and the provisions of the law in effect at the time the member requests the member's retirement to become effective.

9. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty, or fifty percent of one-twelfth of the annual salary rate used in determining the member's contributions during the last school year for which the member received a year of creditable service immediately prior to the member's disability, whichever is greater, except that no such allowance shall exceed the retirement allowance to which the member would have been entitled upon retirement at age sixty if the member had continued to teach from the date of disability until age sixty at the same salary rate.

10. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, from October 13, 1961, the contribution rate pursuant to sections 169.010 to 169.141 shall be multiplied by the factor of two-thirds for any member of the system for whom federal Old Age and Survivors Insurance tax is paid from state or local tax funds on account of the member's employment entitling the person to membership in the system. The monetary benefits for a member who elected not to exercise an option to pay into the system a retroactive contribution of four percent on that part of the member's annual salary rate which was in excess of four thousand eight hundred dollars but not in excess of eight thousand four hundred dollars for each year of employment in a position covered by this system between July 1, 1957, and July 1, 1961, as provided in subsection 10 of this section as it appears in RSMo, 1969, shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, and prior to July 1, 1961, the benefits provided in this section as it appears in RSMo, 1959; except that if the member has at least thirty years of creditable service at retirement the member shall receive the benefit payable pursuant to that section as though the member's age were sixty-five at retirement;

(4) For years of membership service after July 1, 1961, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

11. The monetary benefits for each other member for whom federal Old Age and Survivors Insurance tax is or was paid at any time from state or local funds on account of the member's employment entitling the member to membership in the system shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

12. Any retired member of the system who was retired prior to September 1, 1972, or beneficiary receiving payments under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 1, 1972, will be eligible to receive an increase in the retirement allowance of the member of two percent for each year, or major fraction of more than one-half of a year, which the retired member has been retired prior to July 1, 1975. This increased amount shall be payable commencing with January, 1976, and shall thereafter be referred to as the member's retirement allowance. The increase provided for in this subsection shall not affect the retired member's eligibility for compensation provided for in section 169.580 or 169.585, nor shall the amount being paid pursuant to these sections be reduced because of any increases provided for in this section.

13. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases two percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by two percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board with the provision that the increases provided for in this subsection shall not become effective until the fourth January first following the member's retirement or January 1, 1977, whichever later occurs, or in the case of any member retiring on or after July 1, 2000, the increase provided for in this subsection shall not become effective until the third January first following the member's retirement, or in the case of any member retiring on or after July 1, 2001, the increase provided for in this subsection shall not become effective until the second January first following the member's retirement. Commencing with January 1, 1992, if the board of trustees determines that the cost of living has increased five percent or more in the preceding fiscal year, the board shall increase the retirement allowances by five percent. The total of the increases granted to a retired member or the beneficiary after December 31, 1976, may not exceed eighty percent of the retirement allowance established at retirement or as previously adjusted by other

subsections. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

14. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 13 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; except that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1976.

15. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

16. Notwithstanding any other provision of law, any person retired prior to September 28, 1983, who is receiving a reduced retirement allowance under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 28, 1983, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have his or her retirement allowance increased to the amount he or she would have been receiving had the option not been elected, actuarially adjusted to recognize any excessive benefits which would have been paid to him or her up to the time of application.

17. Benefits paid pursuant to the provisions of the public school retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code except as provided pursuant to this subsection. Notwithstanding any other law to the contrary, the board of trustees may establish a benefit plan pursuant to Section 415(m) of Title 26 of the United States Code. Such plan shall be created solely for the purpose described in Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

18. Notwithstanding any other provision of law to the contrary, any person retired before, on, or after May 26, 1994, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive an amount based on the person's years of service so that the total amount received pursuant to sections 169.010 to 169.141 shall be at least the minimum amounts specified in subdivisions (1) to (4) of this subsection. In determining the minimum amount to be received, the amounts in subdivisions (3) and (4) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance. In determining the minimum amount to be received, beginning September 1, 1996, the amounts in subdivisions (1) and (2) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance due to election of an optional form of retirement having a continued monthly payment after the person's death. Notwithstanding any other provision of law to the contrary, no person retired before, on, or after May 26, 1994, and no beneficiary of such a person, shall receive a retirement benefit pursuant to sections 169.010 to 169.141 based on the person's years of service less than the following amounts:

- (1) Thirty or more years of service, one thousand two hundred dollars;
- (2) At least twenty-five years but less than thirty years, one thousand dollars;
- (3) At least twenty years but less than twenty-five years, eight hundred dollars;
- (4) At least fifteen years but less than twenty years, six hundred dollars.

19. Notwithstanding any other provisions of law to the contrary, any person retired prior to May 26, 1994, and any designated beneficiary of such a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement or aging and upon request shall give written or oral opinions to the board in response to such requests. Beginning September 1, 1996, as compensation for such service, the member shall have added, pursuant to this subsection, to the member's monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. Beginning September 1, 1999, the designated beneficiary of the deceased member shall as compensation for such service have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. The total compensation provided by this section including the compensation provided by this subsection shall be used in calculating any future cost-of-living adjustments provided by subsection 13 of this section.



20. Any member who has retired prior to July 1, 1998, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive a payment equivalent to eight and seven-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

21. Any member who has retired shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such request. As compensation for such duties, the beneficiary of the retired member, or, if there is no beneficiary, the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the retired member, in that order of precedence, shall receive as a part of compensation for these duties a death benefit of five thousand dollars.

22. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to five dollars times the member's number of years of creditable service.

23. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a payment equivalent to three and five-tenths percent of the previous month's benefit, which shall be added to the member or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

24. Any member who has retired prior to July 1, 2001, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a dollar amount equal to three dollars times the member's number of years of creditable service, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received."; and

Further amend said bill, Page 26, Section 169.715, Line 33, by inserting after all of said line the following:

"Section B. Because of the importance of providing an additional retirement allowance option to Missouri teachers, section 169.070 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 section 169.070 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 Fitzwater (144), **House Amendment No. 4** was adopted.

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

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 270, Page 13, Section 86.320, Line 22, by inserting after said line the following:

"105.927. The treasurer of the state of Missouri shall credit an amount not to exceed [seventy-five] **one hundred** dollars per month, to a plan established pursuant to the provisions of the Internal Revenue Code Section

401(a) for each participant in the state's deferred compensation program; provided that funds to be credited to each participant's account shall not exceed the amount appropriated by the general assembly for each participant. Such funds may be credited to each participant directly by a state agency if that agency's payroll is not issued through the treasurer of the state of Missouri. Funds so credited shall be held, administered and invested as provided in sections 105.900 to 105.925 and the plan document adopted for the administration of such contributions."; and

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

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

On motion of Representative Dugger, **HCS SCS SB 270, as amended**, was adopted.

On motion of Representative Dugger, **HCS SCS SB 270, as amended** was read the third time and passed by the following vote:

AYES: 112

Adams	Alferman	Allen	Anders	Anderson
Andrews	Austin	Barnes	Basye	Beard
Bernskoetter	Berry	Black	Bondon	Brown 57
Brown 94	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 104	Cookson	Corlew	Comejo
Crawford	Cross	Davis	Dogan	Dohrman
Dugger	Eggleston	Engler	Entlicher	Fitzpatrick
Fitzwater 144	Fitzwater 49	Flanigan	Fraker	Frederick
Gannon	Gosen	Haahr	Haefner	Hansen
Harris	Hicks	Higdon	Hill	Hinson
Hoskins	Hough	Houghton	Hubbard	Hummel
Jones	Justus	Keeney	Kelley	Kendrick
King	Kolkmeier	Kratky	Lair	Lant
Lauer	Lichtenegger	Love	Lynch	Mathews
McCann Beatty	McDaniel	McDonald	McGaugh	McNeil
Meredith	Messenger	Miller	Mitten	Morgan
Morris	Muntzel	Neely	Nichols	Norr
Otto	Pfautsch	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Roden
Roeber	Rone	Ross	Rowden	Rowland
Runions	Ruth	Shaul	Shull	Shumake
Solon	Sommer	Swan	Walker	Wiemann
Wilson	Wood			

NOES: 045

Arthur	Bahr	Brattin	Burlison	Chipman
Curtis	Curtman	Dunn	Ellington	English
Green	Hubrecht	Hurst	Johnson	Kidd
Kirkton	Koenig	Korman	LaFaver	Lavender
Leara	Marshall	May	McCaherty	McCreery
McManus	Mims	Montecillo	Moon	Newman
Pace	Parkinson	Peters	Pierson	Pietzman
Pogue	Rizzo	Smith	Spencer	Taylor
Vescovo	Walton Gray	Webber	White	Zerr

PRESENT: 001

Gardner

ABSENT WITH LEAVE: 004

Conway 10                      Franklin                      Phillips                      Mr. Speaker

VACANCIES: 001

Representative Keeney declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 111

Adams	Alfeman	Anders	Anderson	Andrews
Arthur	Austin	Basye	Beard	Bernskoetter
Berry	Black	Brown 57	Brown 94	Burns
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Corlew	Crawford	Cross	Dogan	Dohman
Dugger	Engler	Entlicher	Fitzwater 144	Fitzwater 49
Fraker	Franklin	Frederick	Gannon	Gosen
Green	Haahr	Hansen	Harris	Hicks
Higdon	Hoskins	Houghton	Hubbard	Hubrecht
Hurst	Jones	Justus	Keeney	Kelley
Kendrick	Kidd	King	Kirkton	Kolkmeyer
Kratky	Lair	Lant	Lauer	Lavender
Lichtenegger	Love	Lynch	Mathews	McCann Beatty
McCreery	McDaniel	McDonald	McGaugh	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Morgan	Morris	Neely
Newman	Nichols	Norr	Otto	Pfautsch
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Roden	Roeber	Rone
Ross	Rowden	Rowland	Runions	Ruth
Shaul	Shull	Shumake	Solon	Sommer
Swan	Walker	Walton Gray	Webber	Wiemann
Wood				

NOES: 043

Allen	Bahr	Barnes	Bondon	Brattin
Burlison	Butler	Chipman	Comejo	Curtis
Curtman	Davis	Dunn	Eggleston	Ellington
English	Gardner	Hill	Hinson	Hough
Hummel	Johnson	Koenig	Korman	LaFaver
Leara	Marshall	May	Moon	Muntzel
Pace	Parkinson	Peters	Pierson	Pietzman
Pogue	Rizzo	Smith	Spencer	Taylor
Vescovo	White	Zerr		

PRESENT: 000

ABSENT WITH LEAVE: 008

Carpenter                      Fitzpatrick                      Flanigan                      Haefner                      McCaherty  
Phillips                      Wilson                      Mr. Speaker

VACANCIES: 001

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 50** entitled:

An act to repeal sections 382.010, 382.040, 382.050, 382.060, 382.080, 382.095, 382.110, 382.160, 382.170, 382.180, 382.190, 382.195, 382.220, and 382.230, RSMo, and to enact in lieu thereof twenty-nine new sections relating to the business of insurance, with a penalty provision.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 878** entitled:

An act to repeal section 590.750, RSMo, and to enact in lieu thereof one new section relating to the commissioning of corporate security advisors, with an existing penalty provision.

In which the concurrence of the House is respectfully requested.

### THIRD READING OF SENATE BILLS

**SB 446**, relating to Purple Heart license plates, was taken up by Representative Davis.

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

#### *House Amendment No. 1*

AMEND Senate Bill No. 446, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the following words, "motor vehicles."; and

Further amend said bill, Page 2, Section 301.451, Line 25, by inserting after all of said section and line the following:

**"301.474. 1. Any person who has been awarded the military service award known as the "Korea Defense Service Medal" may apply for special motor vehicle license plates for any motor 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.**

**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 as a recipient of the Korea Defense Service Medal as the director may require.**

**3. Upon presentation of such proof of eligibility, 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 "KOREA DEFENSE SERVICE MEDAL" 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. Such plates shall also bear an image of the Korea Defense Service Medal.**

**5. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section.**

**6. 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.**

7. 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.

8. The director may consult with any organization which represents the interests of persons receiving the Korea Defense Service Medal when formulating the design for the special license plates described in this section.

9. 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 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, 2015, shall be invalid and void."; and

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

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

**SB 446, as amended,** was laid over.

**PERFECTION OF HOUSE BILLS**

**HB 793**, relating to the designation of the official state work chronicling the 1993 flood, was taken up by Representative Rizzo.

**HB 793** was laid over.

**HCS HB 207**, relating to automated traffic enforcement systems, was taken up by Representative Curtman.

Representative Richardson moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Beard	Bernskoetter
Berry	Black	Bondon	Brown 57	Brown 94
Burlison	Chipman	Cierpiot	Cookson	Corlew
Comejo	Crawford	Cross	Curtman	Davis
Dogan	Dohrman	Eggleston	English	Entlicher
Fitzpatrick	Fitzwater 144	Fitzwater 49	Frederick	Gannon
Gosen	Haahr	Haefner	Hicks	Higdon
Hill	Hoskins	Hough	Houghton	Hubrecht
Hurst	Johnson	Jones	Justus	Keeney
Kelley	Kidd	King	Koenig	Kolkmeyer
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	Mathews	McCaherty
McDaniel	McGaugh	Messenger	Miller	Moon
Morris	Muntzel	Neely	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder

2160 *Journal of the House*

Reiboldt	Remole	Rhoads	Richardson	Roden
Roeber	Rone	Ross	Rowden	Rowland
Ruth	Shaul	Shull	Shumake	Solon
Sommer	Spencer	Swan	Taylor	Vescovo
Walker	White	Wiemann	Wilson	Wood
Mr. Speaker				

NOES: 041

Adams	Anders	Arthur	Burns	Carpenter
Colona	Curtis	Dunn	Ellington	Gardner
Green	Hansen	Harris	Hubbard	Hummel
Kendrick	Kirkton	LaFaver	Lavender	May
McCann Beatty	McCreery	McDonald	McManus	McNeil
Meredith	Mims	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Runions	Smith	Walton Gray
Webber				

PRESENT: 000

ABSENT WITH LEAVE: 015

Brattin	Butler	Conway 10	Conway 104	Dugger
Engler	Flanigan	Fraker	Franklin	Hinson
Koman	Kratky	Mitten	Pietzman	Zerr

VACANCIES: 001

On motion of Representative Curtman, **HCS HB 207** was adopted.

On motion of Representative Curtman, **HCS HB 207** was ordered perfected and printed by the following vote, the ayes and noes having been demanded by Representative Spencer:

AYES: 141

Alfman	Allen	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Barnes	Basye
Beard	Bernskoetter	Berry	Black	Bondon
Brattin	Brown 57	Brown 94	Burlison	Carpenter
Chipman	Cierpiot	Conway 104	Cookson	Corlew
Comejo	Crawford	Cross	Curtis	Curtman
Davis	Dogan	Dohrman	Dugger	Dunn
Eggleston	Ellington	English	Entlicher	Fitzpatrick
Fitzwater 144	Fitzwater 49	Fraker	Franklin	Frederick
Gannon	Gardner	Gosen	Green	Haahr
Haefner	Harris	Hicks	Higdon	Hill
Hinson	Hoskins	Hough	Houghton	Hubbard
Hubrecht	Hummel	Hurst	Johnson	Jones
Justus	Keeney	Kelley	Kendrick	Kidd
King	Kirkton	Koenig	Kolkmeier	Koman
LaFaver	Lair	Lant	Lauer	Lavender
Leara	Lichtenegger	Love	Lynch	Marshall
Mathews	May	McCaherty	McCann Beatty	McCreery
McDaniel	McDonald	McGaugh	McManus	Messenger
Miller	Mims	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Newman	Norr

Pace	Parkinson	Peters	Pfautsch	Phillips
Pogue	Redmon	Rehder	Reiboldt	Remole
Richardson	Rizzo	Roden	Roeber	Rone
Ross	Rowden	Rowland	Ruth	Shaul
Smith	Solon	Sommer	Spencer	Swan
Taylor	Vescovo	Walker	Walton Gray	Webber
White	Wiemann	Wilson	Wood	Zerr
Mr. Speaker				

NOES: 014

Adams	Burns	Colona	Hansen	Kratky
McNeil	Meredith	Nichols	Otto	Pierson
Rhoads	Runions	Shull	Shumake	

PRESENT: 000

ABSENT WITH LEAVE: 007

Butler	Conway 10	Engler	Flanigan	Mitten
Pietzman	Pike			

VACANCIES: 001

### THIRD READING OF SENATE BILLS

**SB 446, as amended**, relating to Purple Heart license plates, was again taken up by Representative Davis.

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

*House Amendment No. 2*

AMEND Senate Bill No. 446, Page 1, Section A, Line 2, by inserting immediately after said section and line the following:

"301.196. 1. Beginning January 1, 2006, except as otherwise provided in this section, the transferor of an interest in a motor vehicle or trailer listed on the face of a Missouri title, excluding salvage titles and junking certificates, shall notify the department of revenue of the transfer within thirty days of the date of transfer. The notice shall be in a form determined by the department by rule and shall contain:

(1) **The name of the transferor and transferee;**

(2) A description of the motor vehicle or trailer sufficient to identify it;

[(2)] (3) The vehicle identification number of the motor vehicle or trailer;

[(3)] (4) The name and address of the transferee;

[(4)] (5) The date of birth of the transferee, unless the transferee is not a natural person;

[(5)] (6) The date of the transfer or sale;

[(6)] (7) The purchase price of the motor vehicle or trailer, if applicable;

[(7)] (8) The number of the transferee's drivers license, unless the transferee does not have a drivers license;

[(8) The printed name and signature] (9) **The transferor's electronic signature if transmitted electronically or the signatures of the transferee and transferor if not submitted electronically. For the purposes of this section, "transmitted electronically" shall have the same meaning as an electronic signature as defined in section 432.205;**

[(9)] (10) Any other information required by the department by rule.

2. **A notice of sale substantially complying with the requirements of this section is effective even though it contains minor errors which are not materially misleading.**

3. For purposes of giving notice under this section, if the transfer occurs by operation of law, the personal representative, receiver, trustee, sheriff, or other representative or successor in interest of the person whose interest is transferred shall be considered the transferor. Repossession by a creditor shall not be considered a transfer of ownership requiring such notice.

[3.] 4. The requirements of this section shall not apply to transfers when there is no complete change of ownership interest or upon award of ownership of a motor vehicle or trailer made by court order, or transfers of ownership of a motor vehicle or trailer to or between vehicle dealers, or transfers of ownership of a motor vehicle or trailer to an insurance company due to a theft or casualty loss, or transfers of beneficial ownership of a motor vehicle owned by a trust.

[4.] 5. Notification under this section is only required for transfers of ownership that would otherwise require registration and an application for certificate of title in this state under section 301.190, and is for informational purposes only and does not constitute an assignment or release of any interest in the vehicle.

[5.] 6. Retail sales made by licensed dealers including sales of new vehicles shall be reported pursuant to the provisions of section 301.280."; and

Further amend said bill, Page 2, Section 301.451, Line 25, by inserting immediately after said section and line the following:

"302.010. Except where otherwise provided, when used in this chapter, the following words and phrases mean:

- (1) "Circuit court", each circuit court in the state;
- (2) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than fifteen passengers;
- (3) "Conviction", any final conviction; also a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction, except that when any conviction as a result of which points are assessed pursuant to section 302.302 is appealed, the term "conviction" means the original judgment of conviction for the purpose of determining the assessment of points, and the date of final judgment affirming the conviction shall be the date determining the beginning of any license suspension or revocation pursuant to section 302.304;
- (4) "Criminal history check", a search of criminal records, including criminal history record information as defined in section 43.500, maintained by the Missouri state highway patrol in the Missouri criminal records repository or by the Federal Bureau of Investigation as part of its criminal history records, including, but not limited to, any record of conviction, plea of guilty or nolo contendere, or finding of guilty in any state for any offense related to alcohol, controlled substances, or drugs;
- (5) "Director", the director of revenue acting directly or through the director's authorized officers and agents;
- (6) "Farm tractor", every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry;
- (7) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways, or alleys in any municipality;
- (8) "Incompetent to drive a motor vehicle", a person who has become physically incapable of meeting the prescribed requirements of an examination for an operator's license, or who has been adjudged by a probate division of the circuit court in a capacity hearing of being incapacitated;
- (9) "License", a license issued by a state to a person which authorizes a person to operate a motor vehicle;
- (10) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks except motorized bicycles, as defined in section 307.180;
- (11) "Motorcycle", a motor vehicle operated on two wheels; however, this definition shall not include motorized bicycles as defined in section 301.010;
- (12) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle operated with any conveyance, temporary or otherwise, requiring the use of a third wheel;
- (13) "Moving violation", that character of traffic violation where at the time of violation the motor vehicle involved is in motion, except that the term does not include the driving of a motor vehicle without a valid motor vehicle registration license, or violations of sections 304.170 to 304.240, inclusive, relating to sizes and weights of vehicles;
- (14) "Municipal court", every division of the circuit court having original jurisdiction to try persons for violations of city ordinances;



- (15) "Nonresident", every person who is not a resident of this state;
- (16) "Operator", every person who is in actual physical control of a motor vehicle upon a highway;
- (17) "Owner", a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of sections 302.010 to 302.540;
- (18) "Record" includes, but is not limited to, papers, documents, facsimile information, microphotographic process, electronically generated or electronically recorded information, digitized images, deposited or filed with the department of revenue;
- (19) "Residence address", "residence", or "resident address" shall be the location at which a person has been physically present, and that the person regards as home. A residence address is a person's true, fixed, principal, and permanent home, to which a person intends to return and remain, even though currently residing elsewhere;
- (20) "Restricted driving privilege", a ~~sixty-day~~ driving privilege issued by the director of revenue following a suspension of driving privileges for the limited purpose of driving in connection with the driver's business, occupation, employment, formal program of secondary, postsecondary or higher education, or for an alcohol education or treatment program or certified ignition interlock provider, **or a ninety-day 'interlock restricted privilege' issued by the director of revenue for the limited purpose of driving in connection with the driver's business, occupation, employment, seeking medical treatment for such driver or a dependent family member, attending school or other institution of higher education, attending alcohol or drug treatment programs, seeking the required services of a certified ignition interlock provider, fulfilling court obligations, including required appearances and probation and parole obligations, religious services, the care of a child or children, including scheduled visitation or custodial obligations pursuant to a court order, fueling requirements for any vehicle utilized, and seeking basic nutritional requirements;**
- (21) "School bus", when used in sections 302.010 to 302.540, means any motor vehicle, either publicly or privately owned, used to transport students to and from school, or to transport pupils properly chaperoned to and from any place within the state for educational purposes. The term "school bus" shall not include a bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interstate transportation of passengers when such bus is not traveling a specific school bus route but is:
- (a) On a regularly scheduled route for the transportation of fare-paying passengers; or
  - (b) Furnishing charter service for the transportation of persons enrolled as students on field trips or other special trips or in connection with other special events;
- (22) "School bus operator", an operator who operates a school bus as defined in subdivision (21) of this section in the transportation of any schoolchildren and who receives compensation for such service. The term "school bus operator" shall not include any person who transports schoolchildren as an incident to employment with a school or school district, such as a teacher, coach, administrator, secretary, school nurse, or janitor unless such person is under contract with or employed by a school or school district as a school bus operator;
- (23) "Signature", any method determined by the director of revenue for the signing, subscribing or verifying of a record, report, application, driver's license, or other related document that shall have the same validity and consequences as the actual signing by the person providing the record, report, application, driver's license or related document;
- (24) "Substance abuse traffic offender program", a program certified by the division of alcohol and drug abuse of the department of mental health to provide education or rehabilitation services pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as the result of an alcohol- or drug-related traffic offense. Successful completion of such a program includes participation in any education or rehabilitation program required to meet the needs identified in the assessment screening. The assignment recommendations based upon such assessment shall be subject to judicial review as provided in subsection 14 of section 302.304 and subsections 1 and 5 of section 302.540;
- (25) "Vehicle", any mechanical device on wheels, designed primarily for use, or used on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons.

\*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 described 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, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 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 shall 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 found guilty of acting with criminal negligence while driving while intoxicated to cause the death of another person, or to any person who has been convicted twice within a five-year period of violating state law, county or municipal ordinance of driving while intoxicated, or any other intoxication-related traffic offense as defined in section 577.001, except that, after the expiration of five years from the date of conviction of the last offense of violating such law or ordinance, 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, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding five 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 shall 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;

(11) To any person who is otherwise disqualified pursuant to the provisions of chapter 302, 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 subdivision (9) or (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 a photo identification technology feature, and a court may require a global positioning system feature for such device. 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 **within the last three months of the six-month period of required installation of 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] **until the person has completed three consecutive months with no violations as described in this section**. 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.]

3. Any person who petitions the court for reinstatement of his or her license pursuant to subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri state highway patrol as provided in section 43.540, and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward a copy of the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.

\*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, there shall be no period of suspension. However, in lieu of a suspension the person shall instead complete a ninety-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 ninety-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 ninety-day period

indicate that the ignition interlock device has registered a confirmed 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 thirty-day period of restricted driving privilege.

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, except any suspension or revocation issued under section 302.410, 302.462, or 302.574, 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. Any person who has had his or her license suspended or revoked under section 302.410, 302.462, or 302.574, shall be required to pay the reinstatement fee.

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 (24) 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 577.001 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 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 conviction for an intoxication-related traffic offense as defined under section 577.001, and who has a prior alcohol-related enforcement contact as defined under section 302.525, 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 **within the last three months of the six-month period of required installation of 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] **until the person has completed three consecutive months with no violations as described in this section**. 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.

\*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, except

as provided under subdivision (8) of this subsection. 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] **if such person has a license denial under paragraph (a) or (b) of subdivision (8) of this subsection], or a license revocation under paragraph (g) of subdivision (6) of this subsection,] or on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license revocation under subdivision (2) of subsection 2 of section 302.525, or sections 302.574 or 577.041,** 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 a photo identification technology feature, and a court may require a global positioning system feature for such device.

(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 whose license at the time of application 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 **and such conviction occurred within the five year period prior to the date of application. However, any felony conviction for leaving the scene of an accident under section 577.060 shall not render the applicant ineligible for a limited driving privilege under this section;**

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

[(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 failure to submit to a chemical test pursuant to section 302.574 or due to a refusal to submit to a chemical test in any other state, unless such person has completed the first ninety days of such revocation and 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, provided the person is not otherwise ineligible for a limited driving privilege;

[(f)] **(c)** Due to a suspension pursuant to **subdivision (8) or (10) of subsection 1 of section 302.302** or 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

(g) 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, cancelled, 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 subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this subsection. Such person shall present evidence satisfactory to the court or the director that such person's habits and conduct show that the person no longer poses a threat to the public safety of this state. A circuit court shall grant a limited driving privilege to any individual who otherwise is eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related enforcement contact that resulted in the person's license denial.

(b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of acting with criminal negligence while driving while intoxicated to cause the death of another person, 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 subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this subsection. Such person shall present evidence satisfactory to the court or the director that such 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. A circuit court shall grant a limited driving privilege to any individual who otherwise is eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related enforcement contact that resulted in the person's license denial.

(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 that he or she operates is equipped with a functioning, certified ignition interlock device, there shall be no period of suspension. However, in lieu of a suspension the person shall instead complete a ninety-day period of restricted driving privilege. Upon completion of such ninety-day period of restricted driving privilege, compliance with other requirements of law, and 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 ninety-day period indicate that the ignition interlock device has registered a confirmed 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 thirty-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;

(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 **within the last three months of the six-month period of required installation of 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] **until the person has completed three consecutive months with no violations as described in this section**. If the person fails to maintain such proof with the director, the license shall be suspended or revoked, [as applicable] **until proof as required by this section is filed with the director, and the person shall be guilty of a class A misdemeanor**.

302.574. 1. If a person who was operating a vehicle refuses upon the request of the officer to submit to any chemical test under section 577.041, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person notice of his or her right to file a petition for review to contest the license revocation.

2. Such officer shall make a certified report under penalties of perjury for making a false statement to a public official. The report shall be forwarded to the director of revenue and shall include the following:

(1) That the officer has:

(a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

(2) That the person refused to submit to a chemical test;

(3) Whether the officer secured the license to operate a motor vehicle of the person;

(4) Whether the officer issued a fifteen-day temporary permit;

(5) Copies of the notice of revocation, the fifteen-day temporary permit, and the notice of the right to file a petition for review. The notices and permit may be combined in one document; and

(6) Any license, which the officer has taken into possession, to operate a motor vehicle.

3. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident, such person's operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year.

4. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may petition for a hearing before a circuit division or associate division of the court in the county in which the arrest or stop occurred. The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation under this section. Upon the

person's request, the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing, the court shall determine only:

(1) Whether the person was arrested or stopped;

(2) Whether the officer had:

(a) Reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer had reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

(3) Whether the person refused to submit to the test.

5. If the court determines any issue not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

6. Requests for review as provided in this section shall go to the head of the docket of the court wherein filed.

7. No person who has had a license to operate a motor vehicle suspended or revoked under the provisions of this section 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 (24) 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 under 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 similar 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 577.001, or of a person determined to have operated a motor vehicle with a blood alcohol content of fifteen-hundredths of one percent or more by weight. 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 under this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof, to be determined by the division of alcohol and drug abuse of 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 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. 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 to the division of alcohol and drug abuse under this section, and shall accrue at a rate not to exceed the annual rates established under the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health under this section shall be deposited in the mental health earnings fund, which is created in section 630.053.

9. 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 under this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due to the division under 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 for the collection of said fees and accrued interest. The court shall assess attorneys' fees and court costs against any delinquent program.

10. Any person who has had a license to operate a motor vehicle revoked under this section and who has a prior alcohol-related enforcement contact, as defined in section 302.525, 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 license reinstatement. Such 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 **within the last three months of the six-month period of required installation of 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] **until the person has completed three consecutive months with no violations as described in this section**. If the person fails to maintain such proof with the director as required by this section, the license shall be rerevoked **until proof as required by this section is filed with the director**, and the person shall be guilty of a class A misdemeanor.

11. The revocation period of any person whose license and driving privilege has been revoked under this section 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, 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.

12. A person commits the offense of failure to maintain proof with the Missouri department of revenue if, when required to do so, he or she fails to file proof with the director of revenue that any vehicle operated by the person is equipped with a functioning, certified ignition interlock device or fails to file proof of financial responsibility with the department of revenue in accordance with chapter 303. The offense of failure to maintain proof with the Missouri department of revenue is a class A misdemeanor.

478.007. 1. Any circuit court, or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants with a county municipal court established under section 66.010, may establish a docket or court to provide an alternative for the judicial system to dispose of cases in which a person has pleaded guilty to driving while intoxicated or driving with excessive blood alcohol content and:

(1) The person was operating a motor vehicle with at least fifteen-hundredths of one percent or more by weight of alcohol in such person's blood; or

(2) The person has previously pleaded guilty to or has been found guilty of one or more intoxication-related traffic offenses as defined by section 577.023; or

(3) The person has two or more previous alcohol-related enforcement contacts as defined in section 302.525.

2. This docket or court shall combine judicial supervision, drug testing, continuous alcohol monitoring, **as defined in section 577.001**, substance abuse traffic offender program compliance, and treatment of DWI court participants. The court may assess any and all necessary costs for participation in DWI court against the participant. Any money received from such assessed costs by a court from a defendant shall not be considered court costs, charges, or fines. This docket or court may operate in conjunction with a drug court established pursuant to sections 478.001 to 478.006.

3. If the division of probation and parole is otherwise unavailable to assist in the judicial supervision of any person who wishes to enter a DWI court, a court-approved private probation service may be utilized by the DWI court to fill the division's role. In such case, any and all necessary additional costs may be assessed against the participant. No person shall be rejected from participating in DWI court solely for the reason that the person does not reside in the city or county where the applicable DWI court is located but the DWI court can base acceptance into a treatment court program on its ability to adequately provide services for the person or handle the additional caseload.

\*577.001. As used in this chapter, the following terms mean:

(1) "Aggravated offender", a person who has been found guilty of:

(a) Three or more intoxication-related traffic offenses committed on separate occasions; or

(b) Two or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

- (2) "Aggravated boating offender", a person who has been found guilty of:
  - (a) Three or more intoxication-related boating offenses; or
  - (b) Has been found guilty of one or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;
- (3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, or with a seat designed to carry more than one person, and handlebars for steering control;
- (4) "Court", any circuit, associate circuit, or municipal court, including traffic court, but not any juvenile court or drug court;
- (5) "Chronic offender", a person who has been found guilty of:
  - (a) Four or more intoxication-related traffic offenses committed on separate occasions; or
  - (b) Three or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or
  - (c) Two or more intoxication-related traffic offenses committed on separate occasions where both intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;
- (6) "Chronic boating offender", a person who has been found guilty of:
  - (a) Four or more intoxication-related boating offenses; or
  - (b) Three or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or
  - (c) Two or more intoxication-related boating offenses committed on separate occasions where both intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;
- (7) **"Continuous alcohol monitoring", automatically testing breath, blood, or transdermal alcohol concentration levels and tampering attempts at least once every hour, regardless of the location of the person who is being monitored, and regularly transmitting the data. Continuous alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of section 217.690;**
- (8) "Controlled substance", a drug, substance, or immediate precursor in schedules I to V listed in section 195.017;
- [(8)] (9) "Drive", "driving", "operates" or "operating", means physically driving or operating a vehicle or vessel;
- [(9)] (10) "Flight crew member", the pilot in command, copilots, flight engineers, and flight navigators;
- [(10)] (11) "Habitual offender", a person who has been found guilty of:
  - (a) Five or more intoxication-related traffic offenses committed on separate occasions; or
  - (b) Four or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or
  - (c) Three or more intoxication-related traffic offenses committed on separate occasions where at least two of the intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or
  - (d) While driving while intoxicated, the defendant acted with criminal negligence to:
    - a. Cause the death of any person not a passenger in the vehicle operated by the defendant, including the death of an individual that results from the defendant's vehicle leaving a highway, as defined by section 301.010, or the highway's right-of-way; or
    - b. Cause the death of two or more persons; or

c. Cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person's blood;

[(11)] **(12)** "Habitual boating offender", a person who has been found guilty of:

(a) Five or more intoxication-related boating offenses; or

(b) Four or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(c) Three or more intoxication-related boating offenses committed on separate occasions where at least two of the intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(d) While boating while intoxicated, the defendant acted with criminal negligence to:

a. Cause the death of any person not a passenger in the vessel operated by the defendant, including the death of an individual that results from the defendant's vessel leaving the water; or

b. Cause the death of two or more persons; or

c. Cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person's blood;

[(12)] **(13)** "Intoxicated" or "intoxicated condition", when a person is under the influence of alcohol, a controlled substance, or drug, or any combination thereof;

[(13)] **(14)** "Intoxication-related boating offense", operating a vessel while intoxicated; boating while intoxicated; operating a vessel with excessive blood alcohol content or an offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense;

[(14)] **(15)** "Intoxication-related traffic offense", driving while intoxicated, driving with excessive blood alcohol content or an offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense;

[(15)] **(16)** "Law enforcement officer" or "arresting officer", includes the definition of law enforcement officer in section 556.061 and military policemen conducting traffic enforcement operations on a federal military installation under military jurisdiction in the state of Missouri;

[(16)] **(17)** "Operate a vessel", to physically control the movement of a vessel in motion under mechanical or sail power in water;

[(17)] **(18)** "Persistent offender", a person who has been found guilty of two or more intoxication-related traffic offenses committed on separate occasions;

[(18)] **(19)** "Persistent boating offender", a person who has been found guilty of two or more intoxication-related boating offenses committed on separate occasions;

[(19)] **(20)** "Prior offender", a person who has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged;

[(20)] **(21)** "Prior boating offender", a person who 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.

\*577.010. 1. A person commits the offense of driving while intoxicated if he or she operates a vehicle while in an intoxicated condition.

2. The offense of driving while intoxicated is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if:

(a) The defendant is a prior offender; or

(b) A person less than seventeen years of age is present in the vehicle;

(3) A class E felony if:

(a) The defendant is a persistent offender; or

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to another person;

(4) A class D felony if:

- (a) The defendant is an aggravated offender;
- (b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to a law enforcement officer or emergency personnel; or
- (c) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to another person;
- (5) A class C felony if:
  - (a) The defendant is a chronic offender;
  - (b) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to a law enforcement officer or emergency personnel; or
  - (c) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of another person;
- (6) A class B felony if:
  - (a) The defendant is a habitual offender; or
  - (b) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of a law enforcement officer or emergency personnel;
- (7) A class A felony if the defendant is a habitual offender as a result of being found guilty of an act described under paragraph (d) of subdivision [(10)] **(11)** of section 577.001 and is found guilty of a subsequent violation of such paragraph.

3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of the offense of driving while intoxicated as a first offense shall not be granted a suspended imposition of sentence:

- (1) Unless such person shall be placed on probation for a minimum of two years; or
- (2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

**4. If a person is found guilty of a second or subsequent offense of driving while intoxicated, the court may order the person to submit to a period of continuous alcohol monitoring as a condition of probation.**

5. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section:

- (1) If the individual operated the vehicle with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;
- (2) If the individual operated the vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

[5.] **6.** A person found guilty of the offense of driving while intoxicated:

(1) As a prior offender, persistent offender, aggravated offender, chronic offender, or habitual offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) 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; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least thirty days of community service under the supervision of the court;

(3) As a persistent offender shall not be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) 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 in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least sixty days of community service under the supervision of the court;

(4) As an aggravated offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment; and

**(6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring.**

\*577.012. 1. A person commits the offense of driving with excessive blood alcohol content if such person operates:

(1) A vehicle while having eight-hundredths of one percent or more by weight of alcohol in his or her blood; or

(2) A commercial motor vehicle while having four one-hundredths of one percent or more by weight of alcohol in his or her 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 or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041.

3. The offense of driving with excessive blood alcohol content is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if the defendant is alleged and proved to be a prior offender;

(3) A class E felony if the defendant is alleged and proved to be a persistent offender;

(4) A class D felony if the defendant is alleged and proved to be an aggravated offender;

(5) A class C felony if the defendant is alleged and proved to be a chronic offender;

(6) A class B felony if the defendant is alleged and proved to be a habitual offender.

4. A person found guilty of the offense of driving with an excessive blood alcohol content as a first offense shall not be granted a suspended imposition of sentence:

(1) Unless such person shall be placed on probation for a minimum of two years; or

(2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates in and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

5. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 4 of this section:

(1) If the individual operated the vehicle with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

**6. If a person is found guilty of a second or subsequent offense of driving with an excessive blood alcohol content, the court may order the person to submit to a period of continuous alcohol monitoring as a condition of probation.**

7. A person found guilty of driving with excessive blood alcohol content:

(1) As a prior offender, persistent offender, aggravated offender, chronic offender or habitual offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) 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; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least thirty days of community service under the supervision of the court;

(3) As a persistent offender shall not be granted parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) 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 in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least sixty days of community service under the supervision of the court;

(4) As an aggravated offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment; **and**

**(6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring.**

577.013. 1. A person commits the offense of boating while intoxicated if he or she operates a vessel while in an intoxicated condition.

2. The offense of boating while intoxicated is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if:

(a) The defendant is a prior boating offender; or

(b) A person less than seventeen years of age is present in the vessel;

(3) A class E felony if:

(a) The defendant is a persistent boating offender; or

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause physical injury to another person;

(4) A class D felony if:

(a) The defendant is an aggravated boating offender;

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause physical injury to a law enforcement officer or emergency personnel; or

(c) While boating while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to another person;

(5) A class C felony if:

(a) The defendant is a chronic boating offender;

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to a law enforcement officer or emergency personnel; or

(c) While boating while intoxicated, the defendant acts with criminal negligence to cause the death of another person;

(6) A class B felony if:

(a) The defendant is a habitual boating offender; or

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause the death of a law enforcement officer or emergency personnel;

(7) A class A felony if the defendant is a habitual offender as a result of being found guilty of an act described under paragraph (d) of subdivision [(11)] **(12)** of section 577.001 and is found guilty of a subsequent violation of such paragraph.

3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of the offense of boating while intoxicated as a first offense shall not be granted a suspended imposition of sentence:

(1) Unless such person shall be placed on probation for a minimum of two years; or

(2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates in and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

**4. If a person is found guilty of a second or subsequent offense of boating while intoxicated, the court may order the person to submit to a period of continuous alcohol monitoring as a condition of probation.**

5. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section:

(1) If the individual operated the vessel with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the vessel with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

[5.] **6.** A person found guilty of the offense of boating while intoxicated:



(1) As a prior boating offender, persistent boating offender, aggravated boating offender, chronic boating offender or habitual boating offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior boating offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least two hundred forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

(3) As a persistent offender shall not be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least four hundred eighty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

(4) As an aggravated boating offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic boating offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment; **and**

**(6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring.**

577.014. 1. A person commits the offense of boating with excessive blood alcohol content if he or she operates a vessel while having eight-hundredths of one percent or more by weight of alcohol in his or her 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 or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041.

3. The offense of boating with excessive blood alcohol content is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if the defendant is alleged and proved to be a prior boating offender;

(3) A class E felony if the defendant is alleged and proved to be a persistent boating offender;

(4) A class D felony if the defendant is alleged and proved to be an aggravated boating offender;

(5) A class C felony if the defendant is alleged and proved to be a chronic boating offender;

(6) A class B felony if the defendant is alleged and proved to be a habitual boating offender.

4. A person found guilty of the offense of boating with excessive blood alcohol content as a first offense shall not be granted a suspended imposition of sentence:

(1) Unless such person shall be placed on probation for a minimum of two years; or

(2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood unless the individual participates in and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

5. When a person is not granted a suspended imposition of sentence for the reasons described in subsection 4 of this section:

(1) If the individual operated the vessel with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the vessel with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

**6. If a person is found guilty of a second or subsequent offense of boating with an excessive blood alcohol content, the court may order the person to submit to a period of continuous alcohol monitoring as a condition of probation.**

7. A person found guilty of the offense of boating with excessive blood alcohol content:

(1) As a prior boating offender, persistent boating offender, aggravated boating offender, chronic boating offender or habitual boating offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior boating offender, shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least two hundred forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

(3) As a persistent boating offender, shall not be granted parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least four hundred eighty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

(4) As an aggravated boating offender, shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic boating offender, shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment; and

**(6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring.**

Section B. Sections 302.010, 302.060, 302.302, 302.304, 302.309, 302.525, 302.574, 478.007, 577.001, 577.010, 577.012, 577.013, and 577.014 of Section A of this act shall become effective on January 1, 2017."; and

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

Representative Ross 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 Senate Bill No. 446, Page 16, Line 34, by inserting the following after all of said line:

"306.126. 1. [The operator of a motorboat shall not allow any person to ride or sit on the gunwales, decking over the bow, railing, top of seat back or decking over the back of the motorboat while under way, unless such person is inboard of adequate guards or railing provided on the motorboat to prevent a passenger from being lost overboard. As used in this section, the term "adequate guards or railing" means guards or railings having a height parameter of at least six inches but not more than eighteen inches. Nothing in this section shall be construed to mean that passengers or other persons aboard a motorboat cannot occupy the decking over the bow of the boat to moor it to a mooring buoy or to cast off from such a buoy, or for any other necessary purpose. The provisions of this section shall not apply to vessels propelled by sail.

2.] Whenever any person leaves any watercraft, other than a personal watercraft, on the waters of the Mississippi River, the waters of the Missouri River or the lakes of this state and enters the water between the hours of 11:00 a.m. and sunset, the operator of such watercraft shall display on the watercraft a red or orange flag measuring not less than twelve inches by twelve inches. The provisions of this subsection shall not apply to watercraft that is moored or anchored. The flag required by this subsection shall be visible for three hundred sixty degrees around the horizon when displayed and shall be displayed only when an occupant of the watercraft has left the confines of the watercraft and entered the water. The flag required by this subsection shall not be displayed when the watercraft is engaged in towing any person, but shall be displayed when such person has ceased being towed and has reentered the water.

[3.] 2. No operator shall knowingly operate any watercraft within fifty yards of a flag required by subsection 2 of this section at a speed in excess of a slow-no wake speed."; and

Further amend said amendment, Page 18, Line 6, by deleting the word "**hour**" and inserting in lieu thereof the word "**twenty-four hours**"; and

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

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

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

On motion of Representative Davis, **SB 446, as amended**, was read the third time and passed by the following vote:

AYES: 154

Adams	Alferman	Allen	Anders	Anderson
Andrews	Arthur	Austin	Bahr	Bames
Basye	Beard	Bernskoetter	Berry	Black
Bondon	Brattin	Brown 57	Brown 94	Burlison
Burns	Butler	Carpenter	Chipman	Colona
Conway 10	Conway 104	Cookson	Corlew	Comejo
Crawford	Cross	Curtis	Curtman	Davis
Dogan	Dohrman	Dugger	Dunn	Eggleston
Ellington	Engler	English	Entlicher	Fitzpatrick
Fitzwater 144	Fitzwater 49	Fraker	Franklin	Frederick
Gannon	Gardner	Gosen	Green	Haahr
Haefner	Hansen	Harris	Hicks	Higdon
Hill	Hinson	Hoskins	Hough	Houghton
Hubbard	Hubrecht	Hummel	Hurst	Johnson
Jones	Justus	Keeney	Kelley	Kendrick
Kidd	King	Kirkton	Koenig	Kolkmeier
Korman	Kratky	Lair	Lant	Lauer
Lavender	Leara	Lichtenegger	Love	Lynch
Marshall	Mathews	May	McCaherty	McCann Beatty
McCreery	McDaniel	McDonald	McGaugh	McManus
McNeil	Meredith	Messenger	Miller	Mims
Montecillo	Moon	Morgan	Morris	Muntzel
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Pierson	Pietzman
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Rizzo	Roden	Roeber
Rone	Ross	Rowden	Rowland	Runions
Ruth	Shaul	Shull	Shumake	Smith
Solon	Sommer	Spencer	Swan	Taylor
Vescovo	Walker	Walton Gray	Webber	White
Wiemann	Wood	Zerr	Mr. Speaker	

NOES: 001

Pogue

PRESENT: 000

ABSENT WITH LEAVE: 007

Cierpiot	Flanigan	LaFaver	Mitten	Neely
Phillips	Wilson			

VACANCIES: 001

Representative Keeney 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 passed **HB 629** entitled:

An act to repeal sections 86.1270 and 86.1630, RSMo, and to enact in lieu thereof two new sections relating to retirement benefits.

With Senate Amendment No. 1

#### *Senate Amendment No. 1*

AMEND House Bill No. 629, Page 1, In the Title, Line 3, by striking the word “benefits” and inserting in lieu thereof the following:

“systems”; and

Further amend said bill, Page 6, Section 86.1630, Line 85, by inserting after all of said line the following:

“169.291. 1. The general administration and the responsibility for the proper operation of the retirement system are hereby vested in a board of trustees of twelve persons who shall be resident taxpayers of the school district, as follows:

(1) Four trustees to be appointed for terms of four years by the board of education; provided, however, that the terms of office of the first four trustees so appointed shall begin immediately upon their appointment and shall expire one, two, three, and four years from the date the retirement system becomes operative, respectively;

(2) **Until the election in 2016**, four trustees to be elected for terms of four years by and from the members of the retirement system; provided, however, that the terms of office of the first four trustees so elected shall begin immediately upon their election and shall expire one, two, three, and four years from the date the retirement system becomes operative, respectively, **but beginning at the election in 2016, three trustees;**

(3) **Beginning at the election in 2016, one trustee shall be a person employed as a teacher or administrator at a charter school, as “charter school” is defined in section 169.270, elected for a term of four years by and from the members of the retirement system;**

(4) The ninth trustee shall be the superintendent of schools of the school district;

[4] (5) The tenth trustee shall be one retirant of the retirement system elected for a term of four years beginning the first day of January immediately following August 13, 1986, by the retirants of the retirement system;

[5] (6) The eleventh trustee shall be appointed for a term of four years beginning the first day of January immediately following August 13, 1990, by the board of trustees described in subdivision (3) of section 182.701;

[6] (7) The twelfth trustee shall be a retirant of the retirement system elected for a term of four years beginning the first day of January immediately following August 28, 1992, by the retirants of the retirement system.

2. If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled, except that the board of trustees may appoint a qualified person to fill the vacancy in the office of an elected member until the next regular election at which time a member shall be

electd for the unexpired term. No vacancy or vacancies on the board of trustees shall impair the power of the remaining trustees to administer the retirement system pending the filling of such vacancy or vacancies.

3. In the event of a lapse of the school district's corporate organization as described in subsections 1 and 4 of section 162.081, the general administration and responsibility for the proper operation of the retirement system shall continue to be vested in a twelve-person board of trustees, all of whom shall be resident taxpayers of a city, other than a city not within a county, of four hundred thousand or more. In such event, if vacancies occur in the offices of the four trustees appointed, prior to the lapse, by the board of education, or in the offices of the four trustees elected, prior to the lapse, by the members of the retirement system, or in the office of trustee held, prior to the lapse, by the superintendent of schools in the school district, as provided in subdivisions (1), (2) and (3) of subsection 1 of this section, the board of trustees shall appoint a qualified person to fill each vacancy and subsequent vacancies in the office of trustee for terms of up to four years, as determined by the board of trustees.

4. Each trustee shall, before assuming the duties of a trustee, take the oath of office before the court of the judicial circuit or one of the courts of the judicial circuit in which the school district is located that so far as it devolves upon the trustee, such trustee shall diligently and honestly administer the affairs of the board of trustees and that the trustee will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to the retirement system. Such oath shall be subscribed to by the trustee making it and filed in the office of the clerk of the circuit court.

5. Each trustee shall be entitled to one vote in the board of trustees. Seven trustees shall constitute a quorum at any meeting of the board of trustees. At any meeting of the board of trustees where a quorum is present, the vote of at least seven of the trustees in support of a motion, resolution or other matter is necessary to be the decision of the board; provided, however, that in the event of a lapse in the school district's corporate organization as described in subsections 1 and 4 of section 162.081, a majority of the trustees then in office shall constitute a quorum at any meeting of the board of trustees, and the vote of a majority of the trustees then in office in support of a motion, resolution or other matter shall be necessary to be the decision of the board.

6. The board of trustees shall have exclusive original jurisdiction in all matters relating to or affecting the funds herein provided for, including, in addition to all other matters, all claims for benefits or refunds, and its action, decision or determination in any matter shall be reviewable in accordance with chapter 536 or chapter 621. Subject to the limitations of sections 169.270 to 169.400, the board of trustees shall, from time to time, establish rules and regulations for the administration of funds of the retirement system, for the transaction of its business, and for the limitation of the time within which claims may be filed.

7. The trustees shall serve without compensation. The board of trustees shall elect from its membership a chairman and a vice chairman. The board of trustees shall appoint an executive director who shall serve as the administrative officer of the retirement system and as secretary to the board of trustees. It shall employ one or more persons, firms or corporations experienced in the investment of moneys to serve as investment counsel to the board of trustees. The compensation of all persons engaged by the board of trustees and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board of trustees shall approve, and shall be paid from the investment income.

8. The board of trustees shall keep in convenient form such data as shall be necessary for actuarial valuations of the various funds of the retirement system and for checking the experience of the system.

9. The board of trustees shall keep a record of all its proceedings which shall be open to public inspection. It shall prepare annually and furnish to the board of education and to each member of the retirement system who so requests a report showing the fiscal transactions of the retirement system for the preceding fiscal year, the amount of accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

10. The board of trustees shall have, in its own name, power to sue and to be sued, to enter into contracts, to own property, real and personal, and to convey the same; but the members of such board of trustees shall not be personally liable for obligations or liabilities of the board of trustees or of the retirement system.

11. The board of trustees shall arrange for necessary legal advice for the operation of the retirement system.

12. The board of trustees shall designate a medical board to be composed of three or more physicians who shall not be eligible for membership in the system and who shall pass upon all medical examinations required under the provisions of sections 169.270 to 169.400, shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations upon all matters referred to it.

13. The board of trustees shall designate an actuary who shall be the technical advisor of the board of trustees on matters regarding the operation of the retirement system and shall perform such other duties as are

required in connection therewith. Such person shall be qualified as an actuary by membership as a Fellow of the Society of Actuaries or by similar objective standards.

14. At least once in each five-year period the actuary shall make an investigation into the actuarial experience of the members, retirants and beneficiaries of the retirement system and, taking into account the results of such investigation, the board of trustees shall adopt for the retirement system such actuarial assumptions as the board of trustees deems necessary for the financial soundness of the retirement system.

15. On the basis of such actuarial assumptions as the board of trustees adopts, the actuary shall make annual valuations of the assets and liabilities of the funds of the retirement system.

16. The rate of contribution payable by the employers shall equal one and ninety-nine one-hundredths percent, effective July 1, 1993; three and ninety-nine one-hundredths percent, effective July 1, 1995; five and ninety-nine one-hundredths percent, effective July 1, 1996; seven and one-half percent effective January 1, 1999, and for subsequent calendar years through 2013. For calendar year 2014 and each subsequent year, the rate of contribution payable by the employers for each year shall be determined by the actuary for the retirement system in the manner provided in subsection 4 of section 169.350 and shall be certified by the board of trustees to the employers at least six months prior to the date such rate is to be effective.

17. In the event of a lapse of a school district's corporate organization as described in subsections 1 and 4 of section 162.081, no retirement system, nor any of the assets of any retirement system, shall be transferred to or merged with another retirement system without prior approval of such transfer or merge by the board of trustees of the retirement system.

169.450. 1. The general administration and responsibility for the proper operation of the retirement system and for making effective the provisions of sections 169.410 to 169.540 are hereby vested in a board of trustees of eleven persons, as follows:

(1) Four trustees to be appointed for terms of four years by the board of education; provided, however, that their terms shall be fixed so the terms of one of the trustees so appointed shall expire each year. The members of such board of trustees appointed by the board of education may be members of the board of education or other individuals deemed qualified to hold such positions by the board of education;

(2) Four trustees to be elected for terms of four years by and from the active members of the retirement system who shall hold office as trustees only while active members; provided, however, that their terms shall be fixed so that the terms of one of the trustees so elected shall expire each year; and provided further, that [not more than] **at least two of such persons shall be teachers and [two] not more than one shall be [nonteachers] a nonteacher, and beginning in 2016, one shall be a person employed as a teacher or administrator at a charter school, as "charter school" is defined in section 169.270, and elected for a term of four years by the members of the retirement system.** For the purposes of this subsection, a school administrator shall not be eligible for the positions established pursuant to this subdivision and shall be eligible for the position established pursuant to subdivision (4) of this subsection;

(3) Two trustees, who shall be retired members, to be elected for terms of four years by and from the retired members of the retirement system; provided, however, that the terms of office of the first two trustees so elected shall begin immediately upon their election and shall expire two and four years from the date of their election, respectively; and provided further, that not more than one of such persons shall be a teacher and one shall be a nonteacher;

(4) One member, who shall be a school administrator, to be elected for a term of four years by and from the active members of the retirement system who shall hold office as a trustee only while an active member; except that, the initial term of office of such trustee shall expire on December 31, 1999.

2. If a vacancy occurs in the office of trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled. No vacancy or vacancies on the board of trustees shall impair the power of the remaining trustees to administer the retirement system pending the filling of such vacancies.

3. In the event of a lapse of a school district's corporate organization as described in subsections 1 and 4 of section 162.081, or for any other reason, the general administration and the responsibility for the proper operation of the retirement system shall continue to be fully vested in the trustees then currently serving and such trustees shall continue to serve and be elected in the same manner as set forth in this statute as if no lapse had occurred, except that in the event of vacancies occurring in the office of trustees appointed by the board of education prior to the lapse, the board of trustees shall appoint a qualified person or persons to fill such vacancy or vacancies for terms of up to four years.

4. Trustees shall serve without compensation, and any trustee shall be reimbursed from the expense fund for all necessary expenses which the trustee may incur through service on the board of trustees.

5. Each trustee shall, within ten days after such trustee's appointment or election, take an oath of office before the clerk of the circuit court of the judicial circuit in which the school district is located that, so far as it devolves upon the trustee, the trustee will diligently and honestly administer the affairs of the board of trustees and that the trustee will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to the retirement system. Such oath shall be subscribed to by the trustee making it and filed in the office of the clerk of the circuit court.

6. The circuit court of the judicial circuit in which the school district is located shall have jurisdiction over the members of the board of trustees to require them to account for their official conduct in the management and disposition of the funds and property committed to their charge; to order, decree and compel payment by them to the public school retirement system of their school district of all sums of money, and of the value of all property which may have been improperly retained by them, or transferred to others, or which may have been lost or wasted by any violation of their duties or abuse of their powers as such members of such board; to remove any such member upon proof that the trustee has abused the trustee's trust or has violated the duties of the trustee's office; to restrain and prevent any alienation or disposition of property of such public school retirement system by the members, in cases where it may be threatened, or there is good reason to apprehend that it is intended to be made in fraud of the rights and interests of such public school retirement system. The jurisdiction conferred by sections 169.410 to 169.540 shall be exercised as in ordinary cases upon petition, filed by the board of education of such school district, or by any two members of the board of trustees. Such petition shall be heard in a summary manner after ten days' notice in writing to the member complained of, and an appeal shall lie from the judgment of the circuit court as in other causes and be speedily determined, but such appeal shall not operate under any condition as a supersedeas of a judgment of removal from office.

7. Each trustee shall be entitled to one vote in the board of trustees. Six votes shall be necessary for a decision by the trustees at any meeting of the board of trustees.

8. Subject to the limitations of sections 169.410 to 169.540, the board of trustees shall, from time to time, establish rules and regulations for the administration of the retirement system, for eligibility for and determination of benefits under the retirement system, for the investment of retirement system assets, and for the transaction of the retirement system's business.

9. The board of trustees shall elect from its membership a chairman and shall, by majority vote of its members, appoint a secretary, who may be, but need not be, one of its members. It shall engage such actuarial and other services as shall be required to transact the business of the retirement system. It shall also engage an investment counselor who shall be experienced in the investment of moneys to advise the trustees on investments of the retirement system. The compensation of all persons engaged by the board of trustees and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board of trustees shall approve.

10. The board of trustees shall keep in convenient form such data as shall be necessary for actuarial valuations of the assets of the retirement system and for checking the experience of the system.

11. The board of trustees shall keep a record of all its proceedings which shall be open to public inspection. It shall prepare annually and send to the board of education and to each member of the retirement system a report showing the fiscal transactions of the retirement system for the preceding fiscal year, a detailed listing of all salaries and expenditures incurred by the trustees for its operation, the amount of the accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system. The board of trustees shall also prepare or cause to be prepared an annual report concerning the operation of the retirement system herein provided for, which report shall be sent by the chairman of the board of trustees to the board of education.

12. The board of trustees shall arrange for necessary legal advice for the operation of the retirement system.

13. The board of trustees shall designate a medical board to be composed of three physicians, none of whom shall be eligible for benefits pursuant to sections 169.410 to 169.540, who shall arrange for and pass upon all medical examinations required pursuant to the provisions of sections 169.410 to 169.540, shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations upon all matters referred to it.

14. The actuary shall be the technical adviser of the board of trustees on matters regarding the operation of the system created by sections 169.410 to 169.540 and shall perform such other duties as are required in connection therewith. Such person shall be qualified as an actuary by membership as a fellow in the Society of Actuaries or by objective standards which are no less stringent than those established by the Society of Actuaries.

15. At least once in each five-year period the actuary shall make an investigation into the actuarial experience of the retirement system, and taking into account the results of such investigation of the experience, the board of trustees shall adopt for the retirement system such actuarial assumptions as shall be deemed necessary.

16. On the basis of such actuarial assumptions as the board of trustees shall adopt, the actuary shall make an annual valuation of the assets and liabilities of the funds of the retirement system.

17. On the basis of the valuation the board of trustees shall certify the rates of contribution payable by the board of education.”; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

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

### **AFTERNOON SESSION**

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

### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 104, as amended.**

Senators: Kraus, Wasson, Hegeman, Keaveny and Schupp

### **THIRD READING OF SENATE BILLS**

**HCS SS SCS SB 67**, relating to court costs, was taken up by Representative Rhoads.

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

#### *House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 67, Page 4, Section 488.2258, Line 42, by inserting after all of said section and line the following:

"534.350. The judge rendering judgment in any such cause may issue execution at any time after judgment, but such execution shall not be levied until after the expiration of the time allowed for the taking of an appeal, except [as in the next succeeding section is provided]:

**(1) Execution for the purpose of restoring possession shall be issued no sooner than ten days after the judgment. However, the execution for purposes of restoring possession shall be stayed pending an appeal if the losing party posts an appeal bond; and**

**(2) If it shall appear to the officer having charge of the execution that the defendant therein is about to remove, conceal, or dispose of his or her property, so as to hinder or delay the levy, the rents and profits, damages and costs may be levied before the expiration of the time allowed for taking an appeal.**

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 [in the circuit court, as the case may be,] and [that] unless the judgment is set aside within ten days, the judgment **for possession** will become final and the defendant will be subject to eviction from the premises without further notice. **On the date judgment is rendered if 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 foregoing.**

535.110. Applications for appeals shall be allowed and conducted in the manner provided as in other civil cases; but no application for an appeal shall stay execution unless the defendant [give] **gives** bond, with security sufficient to secure the payment of all damages, costs and rent then due, and with condition to stay waste and to pay all subsequently accruing rent, if any, into court within ten days [after it becomes due,] **after an entry of the judgment by the trial court, all other provisions of law to the contrary notwithstanding**, pending determination of the appeal. **Execution for the purpose of restoring possession shall be stayed pending an appeal if the losing party posts a sufficient appeal bond.**

535.160. If the defendant, on the date any money judgment is given in any action pursuant to this chapter, either tenders to the landlord, or brings into the court where the suit is pending, all the rent then in arrears, and all the costs, further proceedings in the action shall cease and be stayed. If on any date after the date of any original trial, **but before the judgment becomes final**, the defendant shall satisfy such money judgment and pay all costs, any execution for possession of the subject premises shall cease and be stayed; except that the landlord shall not thereby be precluded from making application for appeal from such money judgment. If for any reason no money judgment is entered against the defendant and judgment for the plaintiff is limited only to possession of the subject premises, no stay of execution shall be had, except as provided by the provisions of section 535.110 or the rules of civil procedure or by agreement of the parties.

[534.360. If it shall appear to the officer having charge of the execution that the defendant therein is about to remove, conceal or dispose of his property, so as to hinder or delay the levy, the rents and profits, damages and costs may be levied before the expiration of the time allowed for taking an appeal.]; and

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

**House Amendment No. 1** was withdrawn.

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 67, Page 1, In the Title, Line 2, by deleting the words "court costs" and inserting in lieu thereof the word "courts"; and

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

"67.320. 1. Any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, **any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat**, or any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants may prosecute and punish violations of its county orders in the circuit court of such counties in the manner and to the extent herein provided or in a county municipal court if creation of a county municipal court is approved by order of the county commission. The county may adopt orders with penal provisions consistent with state law, but only in the areas of traffic violations, solid waste management, county building codes, on-site sewer treatment, zoning orders, and animal control. Any county municipal court established pursuant to the provisions of this section shall have jurisdiction over violations of that county's orders and the ordinances of municipalities with which the county has a contract to prosecute and punish violations of municipal ordinances of the municipality.

2. Except as provided in subsection 5 of this section in any county which has elected to establish a county municipal court pursuant to this section, the judges for such court shall be appointed by the county commission of such county, subject to confirmation by the legislative body of such county in the same manner as confirmation for other county appointed officers. The number of judges appointed, and qualifications for their appointment, shall be established by order of the commission.

3. The practice and procedure of each prosecution shall be conducted in compliance with all of the terms and provisions of sections 66.010 to 66.140, except as provided for in this section.

4. Any use of the term ordinance in sections 66.010 to 66.140 shall be synonymous with the term order for purposes of this section.

5. In any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants, the first judges shall be appointed by the county commission for a term of four years, and thereafter the judges shall be elected for a term of four years. The number of judges appointed, and qualifications for their appointment, shall be established by order of the commission.

476.083. 1. In addition to any appointments made pursuant to section 485.010, the presiding judge of each circuit containing one or more facilities operated by the department of corrections with an average total inmate population in all such facilities in the circuit over the previous two years of more than two thousand five hundred inmates **or containing, as of January 1, 2015, a diagnostic and reception center operated by the department of corrections and a mental health facility operated by the department of mental health which houses persons found not guilty of a crime by reason of mental disease or defect under chapter 552 and provides sex offender rehabilitation and treatment services (SORTS)** may appoint a circuit court marshal to aid the presiding judge in the administration of the judicial business of the circuit by overseeing the physical security of the courthouse, serving court-generated papers and orders, and assisting the judges of the circuit as the presiding judge determines appropriate. Such circuit court marshal appointed pursuant to the provisions of this section shall serve at the pleasure of the presiding judge. The circuit court marshal authorized by this section is in addition to staff support from the circuit clerks, deputy circuit clerks, division clerks, municipal clerks, and any other staff personnel which may otherwise be provided by law.

2. The salary of a circuit court marshal shall be established by the presiding judge of the circuit within funds made available for that purpose, but such salary shall not exceed ninety percent of the salary of the highest paid sheriff serving a county wholly or partially within that circuit. Personnel authorized by this section shall be paid from state funds or federal grant moneys which are available for that purpose and not from county funds.

3. Any person appointed as a circuit court marshal pursuant to this section shall have at least five years' prior experience as a law enforcement officer. In addition, any such person shall within one year after appointment, or as soon as practicable, attend a court security school or training program operated by the United States Marshal Service. In addition to all other powers and duties prescribed in this section, a circuit court marshal may:

- (1) Serve process;
- (2) Wear a concealable firearm; and
- (3) Make an arrest based upon local court rules and state law, and as directed by the presiding judge of the circuit.

**479.155. 1. By September 1, 2015, the presiding judge of the circuit court in which the municipal division is located shall report to the clerk of the supreme court the name and address of the municipal division and any other information regarding the municipal division requested by the clerk of the supreme court on a standardized form developed by the clerk of the supreme court.**

**2. If a municipality elects to abolish or establish a municipal division, the presiding judge of the circuit court in which the municipal division is located shall notify the clerk of the supreme court, and the presiding judge of any new municipal division shall complete the report required under subsection 1 of this section within ninety days of the establishment of the division.";** and

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

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 67, Page 1, In the Title, Line 2, by deleting the words "court costs" and inserting in lieu thereof the word "courts"; and

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

**"478.252. 1. The circuit court of Jackson County may establish the "Armed Offender Docket Pilot Project". The armed offender docket shall have dedicated judges and other personnel for all matters of hearing, setting of bail or other pretrial matters, trial, sentencing, and supervision of the accused or convicted in all actions in which the lead charge has been brought under subdivision (2) of subsection 1 of section 569.020 prior to December 31, 2016, or, beginning January 1, 2017, subdivision (1) of subsection 1 of section 569.160, subdivision (2) of subsection 1 of section 570.023, 571.015, subdivisions (1), (2), (3), or (6), of subsection 1 of section 571.020, 571.030, 571.045, 571.050, subdivision (1) of subsection 1 of section 571.060, 571.063, 571.070, 571.072, or 571.150. For purposes of this section, a "lead charge", means the highest grade of a charge against a defendant. Charges tried by the docket shall arise from lead charges brought on or after the effective date of the creation of the docket.**

**2. The circuit court may impose a thirty dollar surcharge for each criminal case assigned to the armed offender docket. Moneys from such surcharge shall be collected in the manner provided in sections 488.010 to 488.020 and shall be used solely to defray the costs of prosecution, pretrial supervision, and statistical analysis of such cases. No such surcharge shall be collected in any proceeding if the proceeding or the defendant has been dismissed by the court or if costs are to be paid by the state, county, or municipality.**

**3. The presiding judge of the circuit court, along with the prosecuting attorney and all law enforcement agencies in such circuit, shall assist in the coordinating and sharing of court and law enforcement data and information that is relevant to the operation and evaluation of the armed offender docket. Such information shall include, but not be limited to, the following:**

- (1) The number of cases in which the court ordered the defendant to be confined pretrial;**
- (2) The number of cases in which the court ordered release of the defendant pretrial;**
- (3) The range of bond amounts in cases in which the defendant was released pretrial;**
- (4) The number of cases in which the court revoked the defendant's release prior to trial;**

- (5) The number of cases dismissed by the court;
- (6) The number of cases disposed of by plea and the range of sentences imposed in such cases;
- (7) The number of cases resulting in jury verdicts, including acquittals;
- (8) The number of cases resulting in a sentence of confinement and the range of sentences imposed;
- (9) The number of cases in which the court granted probation and release after a judgment of conviction either by plea or verdict;
- (10) The number of cases in which probation revocation was sought and is pending;
- (11) The number of cases in which probation revocation was granted; and
- (12) Any nonprivileged information reasonably requested by such agencies or by a research university in Missouri with an accredited program in criminology, criminal justice, public health, or social work. Any information that is protected from disclosure by a recognized privilege or statute shall be disclosed only by court order or as provided by statute.

4. Within six months after each anniversary of the creation of the armed offender docket, the circuit court shall provide and publish a public report on the operations of the armed offender docket during the year immediately preceding the anniversary, including any commentary on such operations as may be offered by a research university in Missouri, prosecuting attorney or public defender in such circuit, or law enforcement agency in such circuit.

5. The provisions of this section shall expire on December 31, 2021."; and

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

Representative Keeney resumed the Chair.

Representative Richardson moved the previous question.

Which motion was adopted by the following vote:

AYES: 094

Alferman	Allen	Anderson	Austin	Bahr
Barnes	Basye	Beard	Berry	Black
Bondon	Brattin	Brown 94	Burlison	Chipman
Conway 104	Cookson	Corlew	Comejo	Crawford
Cross	Curtman	Dogan	Dohman	Dugger
Eggleston	Engler	English	Entlicher	Fitzpatrick
Fitzwater 144	Fitzwater 49	Franklin	Frederick	Gosen
Hansen	Higdon	Hill	Hoskins	Houghton
Hubrecht	Hurst	Johnson	Justus	Keeney
Kidd	King	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Love
Lynch	Mathews	McCaherty	McDaniel	McGaugh
Messenger	Miller	Moon	Morris	Muntzel
Neely	Parkinson	Pietzman	Pike	Pogue
Redmon	Reiboldt	Remole	Rhoads	Roden
Roeber	Ross	Rowden	Rowland	Ruth
Shaul	Shull	Shumake	Solon	Spencer
Taylor	Vescovo	Walker	White	Wiemann
Wilson	Wood	Zerr	Mr. Speaker	

NOES: 039

Adams	Anders	Arthur	Burns	Butler
Conway 10	Dunn	Ellington	Gardner	Green
Harris	Hubbard	Hummel	Kendrick	Kirkton
Kratky	LaFaver	Lavender	Marshall	May
McCann Beatty	McCreery	McManus	McNeil	Meredith
Mims	Montecillo	Morgan	Newman	Nichols

Norr Otto Pace Peters Pierson  
Rizzo Runions Smith Walton Gray

PRESENT: 000

ABSENT WITH LEAVE: 029

Andrews Bemskoetter Brown 57 Carpenter Cierpiot  
Colona Curtis Davis Flanigan Fraker  
Gannon Haahr Haefner Hicks Hinson  
Hough Jones Kelley Lichtenegger McDonald  
Mitten Pfautsch Phillips Rehder Richardson  
Rone Sommer Swan Webber

VACANCIES: 001

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

Representative Fitzwater (49) offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 67, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"476.083. 1. In addition to any appointments made pursuant to section 485.010, the presiding judge of each circuit containing one or more facilities operated by the department of corrections with an average total inmate population in all such facilities in the circuit over the previous two years of more than two thousand five hundred inmates **or containing, as of January 1, 2015, a diagnostic and reception center operated by the department of corrections and a mental health facility operated by the department of mental health which houses persons found not guilty of a crime by reason of mental disease or defect under chapter 552 and provides sex offender rehabilitation and treatment services (SORTS)** may appoint a circuit court marshal to aid the presiding judge in the administration of the judicial business of the circuit by overseeing the physical security of the courthouse, serving court-generated papers and orders, and assisting the judges of the circuit as the presiding judge determines appropriate. Such circuit court marshal appointed pursuant to the provisions of this section shall serve at the pleasure of the presiding judge. The circuit court marshal authorized by this section is in addition to staff support from the circuit clerks, deputy circuit clerks, division clerks, municipal clerks, and any other staff personnel which may otherwise be provided by law.

2. The salary of a circuit court marshal shall be established by the presiding judge of the circuit within funds made available for that purpose, but such salary shall not exceed ninety percent of the salary of the highest paid sheriff serving a county wholly or partially within that circuit. Personnel authorized by this section shall be paid from state funds or federal grant moneys which are available for that purpose and not from county funds.

3. Any person appointed as a circuit court marshal pursuant to this section shall have at least five years' prior experience as a law enforcement officer. In addition, any such person shall within one year after appointment, or as soon as practicable, attend a court security school or training program operated by the United States Marshal Service. In addition to all other powers and duties prescribed in this section, a circuit court marshal may:

- (1) Serve process;
- (2) Wear a concealable firearm; and
- (3) Make an arrest based upon local court rules and state law, and as directed by the presiding judge of the circuit.";

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

On motion of Representative Fitzwater (49), **House Amendment No. 4** was adopted.

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

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 67, Page 4, Section 488.2258, Line 42, by inserting after all of said section and line the following:

"534.350. The judge rendering judgment in any such cause may issue execution at any time after judgment, but such execution shall not be levied until after the expiration of the time allowed for the taking of an appeal, except [as in the next succeeding section is provided]:

**(1) Execution for the purpose of restoring possession shall be issued no sooner than ten days after the judgment. However, the execution for purposes of restoring possession shall be stayed pending an appeal if the losing party posts an appeal bond; and**

**(2) If it shall appear to the officer having charge of the execution that the defendant therein is about to remove, conceal, or dispose of his or her property, so as to hinder or delay the levy, the rents and profits, damages and costs may be levied before the expiration of the time allowed for taking an appeal.**

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 [in the circuit court, as the case may be,] and [that] unless the judgment is set aside within ten days, the judgment **for possession** will become final and the defendant will be subject to eviction from the premises without further notice. **On the date judgment is rendered if 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 foregoing.**

535.110. Applications for appeals shall be allowed and conducted in the manner provided as in other civil cases; but no application for an appeal shall stay execution unless the defendant [give] **gives** bond, with security sufficient to secure the payment of all damages, costs and rent then due, and with condition to stay waste and to pay all subsequently accruing rent, if any, into court within ten days [after it becomes due,] **after an entry of the**

**judgment by the trial court, all other provisions of law to the contrary notwithstanding, pending determination of the appeal. Execution for the purpose of restoring possession shall be stayed pending an appeal if the losing party posts a sufficient appeal bond.**

535.160. If the defendant, on the date any money judgment is given in any action pursuant to this chapter, either tenders to the landlord, or brings into the court where the suit is pending, all the rent then in arrears, and all the costs, further proceedings in the action shall cease and be stayed. If on any date after the date of any original trial, **but before the judgment becomes final**, the defendant shall satisfy such money judgment and pay all costs, any execution for possession of the subject premises shall cease and be stayed; except that the landlord shall not thereby be precluded from making application for appeal from such money judgment. If for any reason no money judgment is entered against the defendant and judgment for the plaintiff is limited only to possession of the subject premises, no stay of execution shall be had, except as provided by the provisions of section 535.110 or the rules of civil procedure or by agreement of the parties.

[534.360. If it shall appear to the officer having charge of the execution that the defendant therein is about to remove, conceal or dispose of his property, so as to hinder or delay the levy, the rents and profits, damages and costs may be levied before the expiration of the time allowed for taking an appeal.]; and

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

Representative LaFaver raised a point of order that **House Amendment No. 5** was previously offered.

Representative Keeney requested a parliamentary ruling.

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

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

On motion of Representative Rhoads, **HCS SS SCS SB 67, as amended**, was adopted.

On motion of Representative Rhoads, **HCS SS SCS SB 67, as amended**, was read the third time and passed by the following vote:

AYES: 118

Alferman	Allen	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Basye	Beard
Bernskoetter	Berry	Black	Bondon	Brattin
Brown 57	Brown 94	Burlison	Bums	Chipman
Cierpiot	Conway 10	Conway 104	Cookson	Corlew
Comejo	Crawford	Cross	Curtman	Davis
Dogan	Dohrman	Dugger	Eggleston	Engler
English	Entlicher	Fitzwater 144	Fitzwater 49	Fraker
Franklin	Frederick	Gannon	Gosen	Haahr
Haefner	Hansen	Harris	Higdon	Hill
Hinson	Hoskins	Hough	Houghton	Hubrecht
Hurst	Justus	Keeney	Kelley	Kidd
King	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lauer	Leara	Love
Lynch	Mathews	McCaherty	McDaniel	McDonald
McGaugh	McManus	Meredith	Messenger	Miller
Morgan	Morris	Muntzel	Neely	Newman

Parkinson	Pfäutsch	Phillips	Pietzman	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Rizzo	Roden	Roeber	Rone
Ross	Rowden	Rowland	Runions	Ruth
Shaul	Shull	Shumake	Solon	Sommer
Taylor	Vescovo	Walker	White	Wiemann
Wilson	Wood	Zer		

NOES: 034

Adams	Butler	Colona	Dunn	Ellington
Fitzpatrick	Gardner	Green	Hubbard	Hummel
Johnson	Kendrick	Kirkton	Lavender	Marshall
May	McCann Beatty	McCreery	McNeil	Mims
Mitten	Montecillo	Moon	Nichols	Norr
Otto	Pace	Peters	Pierson	Pogue
Smith	Spencer	Walton Gray	Webber	

PRESENT: 000

ABSENT WITH LEAVE: 010

Barnes	Carpenter	Curtis	Flanigan	Hicks
Jones	Lant	Lichtenegger	Swan	Mr. Speaker

VACANCIES: 001

Representative Keeney declared the bill passed.

**HCS SCS SB 245**, relating to political subdivisions, was taken up by Representative Dugger.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 245, Page 18, Section 108.280, Line 18, by inserting after all of said line the following:

"144.020. 1. A tax is hereby levied and imposed for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be titled under the laws of the state of Missouri and, except as provided in subdivision (9) of this subsection, upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of this subsection, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events; **except that, any amount paid for providing services which are in the nature of lessons designed to improve the skills or safety of a person engaged in recreational, entertainment or athletic endeavors shall not be subject to such tax;**

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;



(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof;

(9) A tax equivalent to four percent of the purchase price, as defined in section 144.070, of new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. This tax is imposed on the person titling such property, and shall be paid according to the procedures in section 144.440.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax"; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 245, Page 1, Section A, Line 6, by inserting after all of said line the following:

"11.020. The secretary of state shall biennially, as soon as practicable after the organization of each general assembly, prepare and [electronically] publish **five thousand copies** of the Missouri manual, to contain historical, official, political, statistical and other information in regard to the national and state governments, such as is found in the manuals of 1907 and 1908. **The manuals shall be distributed by the secretary of state to the members of the general assembly; the state, judicial, and county officers; and each high school library within the state. The surplus volumes shall be distributed throughout the state upon proper applications made therefor. Each member of the general assembly shall receive ten volumes of the manual.** The manual shall also be published electronically and be accessible via the official website of the secretary of state."; and

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

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 245, Page 35, Section 473.730, Lines 8 and 9, by deleting the words "**two or more securities**" and inserting in lieu thereof the words "**one surety company**"; and

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

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

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

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 245, Page 33, Section 249.1120, Line 87, by inserting after all of said section and line the following:

"262.960. 1. This section shall be known and may be cited as the "[Farm-to-School] **Farm-to-Table Act**".

2. There is hereby created within the department of agriculture the "[Farm-to-School] **Farm-to-Table Program**" to connect Missouri farmers and [schools] **institutions** in order to provide [schools] **institutions** with locally grown agricultural products for inclusion in [school] meals and snacks and to strengthen local farming economies. **The department shall establish parameters for program goals, which shall include, but not be limited to, participating institutions purchasing at least five percent of their food products locally by December 31, 2018.** The department shall designate an employee to administer and monitor the [farm-to-school] **farm-to-table** program and to serve as liaison between Missouri farmers and [schools] **institutions**.

3. The following agencies shall make staff available to the Missouri [farm-to-school] **farm-to-table** program for the purpose of providing professional consultation and staff support to assist the implementation of this section:

- (1) The department of health and senior services;
- (2) The department of elementary and secondary education; [and]
- (3) The office of administration; **and**
- (4) **The department of corrections.**

4. The duties of the department employee coordinating the [farm-to-school] **farm-to-table** program shall include, but not be limited to:

(1) Establishing and maintaining a website database to allow farmers and [schools] **institutions** to connect whereby farmers can enter the locally grown agricultural products they produce along with pricing information, the times such products are available, and where they are willing to distribute such products;

(2) Providing leadership at the state level to encourage [schools] **institutions** to procure and use locally grown agricultural products;

(3) Conducting workshops and training sessions and providing technical assistance to [school] **institution** food service directors, personnel, farmers, and produce distributors and processors regarding the [farm-to-school] **farm-to-table** program; and

(4) Seeking grants, private donations, or other funding sources to support the [farm-to-school] **farm-to-table** program.

262.962. 1. As used in this section, section 262.960, and subsection 5 of section 348.407, the following terms shall mean:

(1) **"Institutions", facilities including, but not limited to, schools, correctional facilities, hospitals, nursing homes, and military bases;**

(2) "Locally grown agricultural products", food or fiber produced or processed by a small agribusiness or small farm;

[2] (3) "Schools", includes any school in this state that maintains a food service program under the United States Department of Agriculture and administered by the school;

[3] (4) "Small agribusiness", a qualifying agribusiness as defined in section 348.400, and located in Missouri with gross annual sales of less than five million dollars;

[4] (5) "Small farm", a family-owned farm or family farm corporation as defined in section 350.010, and located in Missouri with less than two hundred fifty thousand dollars in gross sales per year.

2. There is hereby created a taskforce under the AgriMissouri **marketing** program established in section 261.230, which shall be known as the "[Farm-to-School] **Farm-to-Table** Taskforce". The taskforce shall be made up of at least one representative from each of the following [agencies]: the University of Missouri extension service, the department of agriculture, **the department of corrections, the department of health and senior services**, the department of elementary and secondary education, [and] the office of administration, **and a representative from one of the military bases in the state**. In addition, the director of the department of agriculture shall appoint [two persons] **one person** actively engaged in the practice of small agribusiness. In addition, the [director of the department of elementary and secondary] **commissioner of education** shall appoint [two persons] **one person** from schools within the state who direct a food service program. **The director of the department of corrections shall appoint one person employed as a correctional facility food service director. The director of the department of health and senior services shall appoint one person employed as a hospital or nursing home food service director.** One representative for the department of agriculture shall serve as the chairperson for the taskforce and shall coordinate the taskforce meetings. The taskforce shall hold at least two meetings, but may hold more as it deems necessary to fulfill its requirements under this section. Staff of the department of agriculture may provide administrative assistance to the taskforce if such assistance is required.

3. The mission of the taskforce is to provide recommendations for strategies that:

(1) Allow [schools] **institutions** to more easily incorporate locally grown agricultural products into their cafeteria offerings, salad bars, and vending machines; and

(2) Allow [schools] **institutions** to work with food service providers to ensure greater use of locally grown agricultural products by developing standardized language for food service contracts.

4. In fulfilling its mission under this section, the taskforce shall review various food service contracts of [schools] **institutions** within the state to identify standardized language that could be included in such contracts to allow [schools] **institutions** to more easily procure and use locally grown agricultural products.

5. The taskforce shall prepare a report containing its findings and recommendations and shall deliver such report to the governor, the general assembly, and to the director of each [agency] **entity** represented on the taskforce [by no later than December 31, 2015] **no later than December thirty-first of each year**.

6. In conducting its work, the taskforce may hold public meetings at which it may invite testimony from experts, or it may solicit information from any party it deems may have information relevant to its duties under this section.

[7. This section shall expire on December 31, 2015.]; and

Further amend said bill, Page 35, Section 347.048, Line 18, by inserting after all of said section and line the following:

"348.407. 1. The authority shall develop and implement agricultural products utilization grants as provided in this section.

2. The authority may reject any application for grants pursuant to this section.

3. The authority shall make grants, and may make loans or guaranteed loans from the grant fund to persons for the creation, development and operation, for up to three years from the time of application approval, of rural agricultural businesses whose projects add value to agricultural products and aid the economy of a rural community.

4. The authority may make loan guarantees to qualified agribusinesses for agricultural business development loans for businesses that aid in the economy of a rural community and support production agriculture or add value to agricultural products by providing necessary products and services for production or processing.

5. The authority may make grants, loans, or loan guarantees to Missouri businesses to access resources for accessing and processing locally grown agricultural products for use in [schools] **institutions, as defined in section 262.962**, within the state.

6. The authority may, upon the provision of a fee by the requesting person in an amount to be determined by the authority, provide for a feasibility study of the person's rural agricultural business concept.

7. Upon a determination by the authority that such concept is feasible and upon the provision of a fee by the requesting person, in an amount to be determined by the authority, the authority may then provide for a marketing study. Such marketing study shall be designed to determine whether such concept may be operated profitably.

8. Upon a determination by the authority that the concept may be operated profitably, the authority may provide for legal assistance to set up the business. Such legal assistance shall include, but not be limited to, providing advice and assistance on the form of business entity, the availability of tax credits and other assistance for which the business may qualify as well as helping the person apply for such assistance.

9. The authority may provide or facilitate loans or guaranteed loans for the business including, but not limited to, loans from the United States Department of Agriculture Rural Development Program, subject to availability. Such financial assistance may only be provided to feasible projects, and for an amount that is the least amount necessary to cause the project to occur, as determined by the authority. The authority may structure the financial assistance in a way that facilitates the project, but also provides for a compensatory return on investment or loan payment to the authority, based on the risk of the project.

10. The authority may provide for consulting services in the building of the physical facilities of the business.

11. The authority may provide for consulting services in the operation of the business.

12. The authority may provide for such services through employees of the state or by contracting with private entities.

13. The authority may consider the following in making the decision:

(1) The applicant's commitment to the project through the applicant's risk;

(2) Community involvement and support;

(3) The phase the project is in on an annual basis;

(4) The leaders and consultants chosen to direct the project;

(5) The amount needed for the project to achieve the bankable stage; and

(6) The project's planning for long-term success through feasibility studies, marketing plans, and business plans.

14. The department of agriculture, the department of natural resources, the department of economic development and the University of Missouri may provide such assistance as is necessary for the implementation and operation of this section. The authority may consult with other state and federal agencies as is necessary.

15. The authority may charge fees for the provision of any service pursuant to this section.

16. The authority may adopt rules to implement the provisions of this section.

17. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 348.005 to 348.180 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. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. 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."; and

Further amend said bill, Page 36, Section B, Line 6, by inserting after all of said section and line the following:

"Section C. The repeal and reenactment of sections 262.960 and 348.407 of section A of this act shall become effective January 1, 2016."; and

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

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

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

House Amendment No. 5

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 245, Page 3, Section 67.145, Line 5, by inserting after said line the following:

"67.402. 1. The governing body of the following counties may enact nuisance abatement ordinances as provided in this section:

(1) 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;

(2) Any county of the first classification with more than seventy-one thousand three hundred but fewer than seventy-one thousand four hundred inhabitants;

(3) Any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants;

(4) Any county of the first classification with more than eighty-five thousand nine hundred but fewer than eighty-six thousand inhabitants;

(5) Any county of the third classification without a township form of government and with more than sixteen thousand four hundred but fewer than sixteen thousand five hundred inhabitants;

(6) Any county of the third classification with a township form of government and with more than fourteen thousand five hundred but fewer than fourteen thousand six hundred inhabitants;

(7) Any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants;

(8) Any county of the first classification with more than one hundred four thousand six hundred but fewer than one hundred four thousand seven hundred inhabitants;

(9) Any county of the third classification with a township form of government and with more than seven thousand nine hundred but fewer than eight thousand inhabitants; [and]

(10) Any county of the second classification with more than fifty-two thousand six hundred but fewer than fifty-two thousand seven hundred inhabitants;

**(11) Any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants.**

2. The governing body of any county described in subsection 1 of this section may enact ordinances to provide for the abatement of a condition of any lot or land that has the presence of rubbish and trash, lumber, bricks, tin, steel, parts of derelict motorcycles, derelict cars, derelict trucks, derelict construction equipment, derelict appliances, broken furniture, or overgrown or noxious weeds in residential subdivisions or districts which may endanger public safety or which is unhealthy or unsafe and declared to be a public nuisance.

3. Any ordinance enacted pursuant to this section shall:

(1) Set forth those conditions which constitute a nuisance and which are detrimental to the health, safety, or welfare of the residents of the county;

(2) Provide for duties of inspectors with regard to those conditions which may be declared a nuisance, and shall provide for duties of the building commissioner or designated officer or officers to supervise all inspectors and to hold hearings regarding such property;

(3) Provide for service of adequate notice of the declaration of nuisance, which notice shall specify that the nuisance is to be abated, listing a reasonable time for commencement, and may provide that such notice be served either by personal service or by certified mail, return receipt requested, but if service cannot be had by either of these modes of service, then service may be had by publication. The ordinances shall further provide that the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in the property as shown by the land records of the recorder of deeds of the county wherein the property is located shall be made parties;

(4) Provide that upon failure to commence work of abating the nuisance within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the building commissioner or designated officer or officers shall call and have a full and adequate hearing upon the matter before the county commission, giving the affected parties at least ten days' written notice of the hearing. Any party may be represented by counsel, and all parties shall have an opportunity to be heard. After the hearings, if evidence supports a finding that the property is a nuisance or detrimental to the health, safety, or welfare of the residents of the county, the county commission shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the property to be a nuisance and detrimental to the health, safety, or welfare of the residents of the county and ordering the nuisance abated. If the evidence does not support a finding that the property is a nuisance or detrimental to the health, safety, or welfare of the residents of the county, no order shall be issued.

4. Any ordinance authorized by this section may provide that if the owner fails to begin abating the nuisance within a specific time which shall not be longer than seven days of receiving notice that the nuisance has been ordered removed, the building commissioner or designated officer shall cause the condition which constitutes the nuisance to be removed. If the building commissioner or designated officer causes such condition to be removed or abated, the cost of such removal shall be certified to the county clerk or officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the county collector's option, for the property and the certified cost shall be collected by the county collector in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.

5. Nothing in this section authorizes any county to enact nuisance abatement ordinances that provide for the abatement of any condition relating to agricultural structures or agricultural operations, including but not limited to the raising of livestock or row crops.

6. No county of the first, second, third, or fourth classification shall have the power to adopt any ordinance, resolution, or regulation under this section governing any railroad company regulated by the Federal Railroad Administration."; and

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

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

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

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 245, Page 18, Section 108.280, Line 18, by inserting after said line the following:

"140.170. 1. Except for lands described in subsection 7 of this section, the county collector shall cause a copy of the list of delinquent lands and lots to be printed in some newspaper of general circulation published in the county for three consecutive weeks, one insertion weekly, before the sale, the last insertion to be at least fifteen days prior to the fourth Monday in August.

2. In addition to the names of all record owners or the names of all owners appearing on the land tax book it is only necessary in the printed and published list to state in the aggregate the amount of taxes, penalty, interest and cost due thereon, each year separately stated.

3. To the list shall be attached and in like manner printed and published a notice of said lands and lots stating that said land and lots will be sold at public auction to discharge the taxes, penalty, interest, and costs due thereon at the time of sale in or adjacent to the courthouse of such county, on the fourth Monday in August next thereafter, commencing at ten o'clock of said day and continuing from day to day thereafter until all are offered.

4. The county collector, on or before the day of sale, shall insert at the foot of the list on his **or her** record a copy of the notice and certify on his **or her** record immediately following the notice the name of the newspaper of the county in which the notice was printed and published and the dates of insertions thereof in the newspaper.

5. The expense of such printing shall be paid out of the county treasury and shall not exceed the rate provided for in chapter 493, relating to legal publications, notices and advertisements, and the cost of printing at the rate paid by the county shall be taxed as part of the costs of the sale of any land or lot contained in the list.

6. The county collector shall cause the affidavit of the printer, editor or publisher of the newspaper in which the list of delinquent lands and notice of sale was published, as provided by section 493.060, with the list and notice attached, to be recorded in the office of the recorder of deeds of the county, and the recorder shall not charge or receive any fees for recording the same.

7. The county collector may have a separate list of such lands, without legal descriptions or the names of the record owners, printed in a newspaper of general circulation published in such county for three consecutive weeks before the sale of such lands for a parcel or lot of land that:

(1) Has an assessed value of one thousand **five hundred** dollars or less and has been advertised previously;

or

(2) Is a lot in a development of twenty or more lots and such lot has an assessed value of one thousand **five hundred** dollars or less. The notice shall state that legal descriptions and the names of the record owners of such lands shall be posted at any county courthouse within the county and the office of the county collector.

8. If, in the opinion of the county collector, an adequate legal description of the delinquent land and lots cannot be obtained through researching the documents available through the recorder of deeds, the collector may commission a professional land surveyor to prepare an adequate legal description of the delinquent land and lots in question. The costs of any commissioned land survey deemed necessary by the county collector shall be taxed as part of the costs of the sale of any land or lots contained in the list prepared under this section.

**140.195. Any collector, agent of any collector, tax sale purchaser, or agent of any tax sale purchaser performing duties under this chapter shall have the lawful right to enter upon the land of another without being guilty of trespass, if he or she is in the course of providing or attempting to provide notice of a tax sale or tax sale redemption rights and it is necessary to enter upon such land to provide, serve, or post such notice.**

140.310. 1. The purchaser of any tract or lot of land at sale for delinquent taxes, homesteads excepted, shall at any time after one year from the date of sale be entitled to the immediate possession of the premises so purchased during the redemption period provided for in this law, unless sooner redeemed; provided, however, any owner or occupant of any tract or lot of land purchased may retain possession of said premises by making a written assignment of, or agreement to pay, rent certain or estimated to accrue during such redemption period or so much thereof as shall be sufficient to discharge the bid of the purchaser with interest thereon as provided in the certificate of purchase.

2. The purchaser, his **or her** heirs or assigns may enforce his **or her** rights under said written assignment or agreement in any manner now authorized or hereafter authorized by law for the collection of delinquent and unpaid rent; provided further, nothing herein contained shall operate to the prejudice of any owner not in default and whose interest in the tract or lot of land is not encumbered by the certificate of purchase, nor shall it prejudice the rights of any occupant of any tract or lot of land not liable to pay taxes thereon nor such occupant's interest in any planted, growing or unharvested crop thereon.

3. Any additions or improvements made to any tract or lot of land by any occupant thereof, as tenant or otherwise, and made prior to such tax sale, which such occupant would be permitted to detach and remove from the land under his **or her** contract of occupancy shall also, to the same extent, be removable against the purchaser, his **or her** heirs or assigns.

4. Any rent collected by the purchaser, his **or her** heirs or assigns shall operate as a payment upon the amount due the holder of such certificate of purchase, and such amount or amounts, together with the date paid and by whom shall be endorsed as a credit upon said certificate, and which said sums shall be taken into consideration in the redemption of such land, as provided for in this chapter.

5. Any purchaser, heirs or assigns in possession within the period of redemption against whom rights of redemption are exercised shall be protected in the value of any planted, growing and/or unharvested crop on the lands redeemed in the same manner as such purchaser, heirs or assigns would be protected in valuable and lasting improvements made upon said lands after the period of redemption and referred to in section 140.360.

[6. The one-year redemption period shall not apply to third-year tax sales, but the ninety-day redemption period as provided in section 140.405 shall apply to such sales. There shall be no redemption period for a post-third-year tax sale, or any offering thereafter.]

140.340. 1. **Upon paying the reasonable and customary costs of sale to the county collector for the use of the purchaser, his or her heirs, successors, or assigns; the owner; lienholder; or occupant of any land or lot sold for taxes, or any other persons having an interest therein, [may] shall have the absolute right to redeem the same at any time during the one year next ensuing[, in the following manner] and shall continue to have a defeasible right to redeem the same until such time as the tax sale purchaser acquires the deed, at which time the right to redeem shall expire, provided upon the expiration of the lien evidenced by a certificate of purchase under section 140.410 no redemption shall be required.**

2. **The reasonable and customary costs of sale include all costs incurred in selling and foreclosing tax liens under this chapter, and such reasonable and customary costs shall include the following:** [by paying to the county collector, for the use of the purchaser, his heirs or assigns,] the full sum of the purchase money named in [his] the certificate of purchase and all the [cost] costs of the sale, including the cost to record the certificate of purchase as required in section 140.290, the fee necessary for the collector to record the release of such certificate of purchase, and the **reasonable and customary** cost of the title search and [mailings] **postage costs** of notification

required in sections 140.150 to 140.405, together with interest at the rate specified in such certificate, not to exceed ten percent annually, except on a sum paid by a purchaser in excess of the delinquent taxes due plus costs of the sale **incurred by the collector**, no interest shall be owing on the excess amount, with all subsequent taxes which have been paid thereon by the purchaser, his **or her** heirs or assigns with interest at the rate of eight percent per annum on such taxes subsequently paid, and in addition thereto the person redeeming any land shall pay the costs incident to entry of recital of such redemption; **provided, however, that no costs incurred by tax sale purchasers in providing notice of tax sale redemption rights required by law shall be reimbursable as a reasonable and customary cost of sale unless such costs are incurred after March first following the date of purchase of the tax sale certificate by said tax sale purchaser at a first or second offering delinquent tax sale.**

[2.] 3. Upon deposit with the county collector of the amount necessary to redeem as herein provided, it shall be the duty of the county collector to mail to the purchaser, his **or her** heirs or assigns, at the last post office address if known, and if not known, then to the address of the purchaser as shown in the record of the certificate of purchase, notice of such deposit for redemption.

[3.] 4. Such notice, given as herein provided, shall stop payment to the purchaser, his **or her** heirs or assigns of any further interest or penalty.

[4. In case the party purchasing said land, his heirs or assigns fails to take a tax deed for the land so purchased within six months after the expiration of the one year next following the date of sale, no interest shall be charged or collected from the redemptioner after that time.]

**5. The reasonable and customary costs of sale needed to redeem any land or lot sold for taxes under this section shall be determined by the collector.**

140.350. [Infants] **Minors** and incapacitated and disabled persons as defined in chapter 475 may redeem any lands belonging to them sold for taxes, within [one year after the expiration of such disability] **five years of the date of the last payment of taxes encumbering the real estate by the minor, incapacitated or disabled person, the party's predecessors in interest, or any representative of such person**, in the same manner as provided in section 140.340 for redemption by other persons.

140.405. 1. Any person purchasing property at a delinquent land tax auction shall not acquire the deed to the real estate, as provided for in section 140.250 or 140.420, until the person meets the requirements of this section, except that such requirements shall not apply to post-third-year sales, which shall be conducted under subsection 4 of section 140.250. The purchaser shall obtain a title search report from a licensed attorney or licensed title company detailing the ownership and encumbrances on the property. [Such title search report shall be declared invalid if the effective date is more than one hundred twenty days from the date the purchaser applies for a collector's deed under section 140.250 or 140.420.]

2. At least ninety days prior to the date when a purchaser is authorized to acquire the deed, the purchaser shall notify the owner of record and any person who holds a publicly recorded unreleased deed of trust, mortgage, lease, lien, judgment, or any other publicly recorded claim upon that real estate of such person's right to redeem the property. Notice shall be sent by both first class mail and certified mail return receipt requested to such person's last known available address. If the certified mail return receipt is returned signed, the first class mail notice is not returned, the first class mail notice is refused where noted by the United States Postal Service, or any combination thereof, notice shall be presumed received by the recipient. At the conclusion of the applicable redemption period, the purchaser shall make an affidavit in accordance with subsection [4] 5 of this section.

3. If the owner of record or the holder of any other publicly recorded claim on the property intends to transfer ownership or execute any additional liens or encumbrances on the property, such owner shall first redeem such property under section 140.340. The failure to comply with redeeming the property first before executing any of such actions or agreements on the property shall require the owner of record or any other publicly recorded claim on the property to reimburse the purchaser for the total bid as recorded on the certificate of purchase and all the costs of the sale required in sections 140.150 to 140.405.

4. In the case that both the certified notice return receipt card is returned unsigned and the first class mail is returned for any reason except refusal, where the notice is returned undeliverable, then the purchaser shall attempt additional notice and certify in the purchaser's affidavit to the collector that such additional notice was attempted and by what means.

5. The purchaser shall notify the county collector by affidavit of the date that every required notice was sent to the owner of record and, if applicable, any other publicly recorded claim on the property. To the affidavit, the purchaser shall attach a copy of a valid title search report as described in subsection 1 of this section as well as completed copies of the following for each recipient:



- (1) Notices of right to redeem sent by first class mail;
- (2) Notices of right to redeem sent by certified mail;
- (3) Addressed envelopes for all notices, as they appeared immediately before mailing;
- (4) Certified mail receipt as it appeared upon its return; and

(5) Any returned regular mailed envelopes. As provided in this section, at such time the purchaser notifies the collector by affidavit that all the ninety days' notice requirements of this section have been met, the purchaser is authorized to acquire the deed, provided that a collector's deed shall not be acquired before the expiration date of the redemption period as provided in section 140.340.

6. If any real estate is purchased at a third-offering tax auction and has a publicly recorded unreleased deed of trust, mortgage, lease, lien, judgment, or any other publicly recorded claim upon the real estate under this section, the purchaser of said property shall within forty-five days after the purchase at the sale notify such person of the person's right to redeem the property within ninety days from the postmark date on the notice. Notice shall be sent by both first class mail and certified mail return receipt requested to such person's last known available address. The purchaser shall notify the county collector by affidavit of the date the required notice was sent to the owner of record and, if applicable, the holder of any other publicly recorded claim on the property, that such person shall have ninety days to redeem said property or be forever barred from redeeming said property.

7. If the county collector chooses to have the title search done then the county collector may charge the purchaser the cost of the title search before giving the purchaser a deed pursuant to section 140.420.

8. [If the property is redeemed, the person redeeming the property shall pay the costs incurred by the purchaser in providing notice under this section. Recoverable costs on any property sold at a tax sale shall include the title search, postage, and costs for the recording of any certificate of purchase issued and for recording the release of such certificate of purchase and all the costs of the sale required in sections 140.150 to 140.405.

9.] Failure of the purchaser to comply with this section shall result in such purchaser's loss of all interest in the real estate **except as otherwise provided in sections 140.550 and 140.570.**

**9. The phrase "authorized to acquire the deed" as used in this chapter shall mean the date chosen by the tax sale purchaser that is more than the minimum redemption period set forth in section 140.340 if the tax sale purchaser has complied with the following requirements entitling the purchaser to the issuance of a collector's deed:**

- (1) Compliance with the requirements of this section to the satisfaction of the collector;**
- (2) Payment of the recording fee for the collector's deed as required under section 140.410;**
- (3) Production of the original of the certificate of purchase as required under section 140.420, or production of an original affidavit of lost or destroyed certificate approved by the collector as to form and substance; and**
- (4) Payment of all subsequent taxes required to be paid under section 140.440.**

**10. Notwithstanding any provision of law to the contrary, any person except a minor or an incapacitated or disabled person may receive notice under this section in a foreign country or outside the United States:**

- (1) By any internationally agreed upon means of service that is reasonably calculated to give notice, such as the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents;**
- (2) If there is no internationally agreed upon means of service, or if an international agreement allows service but does not specify the means, by a method that is reasonably calculated to give notice;**
- (3) As set forth for the foreign country's acceptable method of service in actions in courts of general jurisdiction;**
- (4) As the foreign country directs in response to a letter of request;**
- (5) Unless prohibited by a foreign country's law, by delivering a copy of the notice to the person personally or using a form of mail that requires a signed receipt; or**
- (6) By any other means not prohibited by international agreement as approved by the collector.**

140.410. In all cases where lands have been or may hereafter be sold for delinquent taxes, penalty, interest and costs due thereon, and a certificate of purchase has been or may hereafter be issued, it is hereby made the duty of such purchaser, his **or her** heirs or assigns, to cause all subsequent taxes to be paid on the property purchased prior to the issuance of any collector's deed, and the purchaser shall further cause a deed to be executed and placed on record in the proper county all within [two years] **eighteen months** from the date of said sale; provided, that on failure of said purchaser, his **or her** heirs or assigns so to do, then and in that case the amount due such purchaser shall cease to be a lien on said lands so purchased as herein provided. Upon the purchaser's forfeiture of all rights of the property acquired by the certificate of purchase issued, and including the nonpayment of all subsequent years'

taxes as described in this section, it shall be the responsibility of the collector to record the cancellation of the certificate of purchase in the office of the recorder of deeds of the county. Certificates of purchase cannot be assigned to nonresidents or delinquent taxpayers. However, any person purchasing property at a delinquent land tax sale who meets the requirements of this section, prior to receiving a collector's deed, shall pay to the collector the fee necessary for the recording of such collector's deed to be issued. It shall be the responsibility of the collector to record the deed before delivering such deed to the purchaser of the property.

140.420. If no person shall redeem the lands sold for taxes [within the applicable redemption period of one year from the date of the sale or within the ninety-day notice as specified in section 140.405 for a third-year tax sale] **prior to the expiration of the right to redeem**, at the expiration thereof, and on production of the certificate of purchase **and upon proof satisfactory to the collector that a purchaser or his or her heirs, successors, or assigns are authorized to acquire the deed**, the collector of the county in which the sale of such lands took place shall execute to the purchaser, his **or her** heirs or assigns, in the name of the state, a conveyance of the real estate so sold, which shall vest in the grantee an absolute estate in fee simple, subject, however, to all claims thereon for unpaid taxes except such unpaid taxes existing at time of the purchase of said lands and the lien for which taxes was inferior to the lien for taxes for which said tract or lot of land was sold."; and

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

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

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

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 245, Page 18, Section 108.280, Line 18, by inserting immediately after all of said line and section the following:

"162.203. 1. Board members initially elected or appointed under section 162.291, 162.459, 162.471, or 162.581 after August 28, 1993, in addition to the qualifications prescribed in those sections, shall successfully complete orientation and training requirements within one year of the date of the election or appointment. The orientation and training shall consist of at least sixteen hours with the cost of such training to be paid by the district.

2. All programs providing the orientation and training required under the provisions of this section shall be offered by a statewide association organized for the benefit of members of boards of education or be approved by the state board of education.

**3. Any funding appropriated to the department of elementary and secondary education for the purposes of school board training reimbursement shall be distributed to all statewide organizations that received state funding for school board training in fiscal year 2013.**"; and

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

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

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

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 245, Page 14, Section 84.720, Lines 1-14, by deleting all of said section and lines from the bill; and

Further amend said bill, Section 473.730, Page 36, Line 36, by inserting the following after all of said line:

**"Section 1. Notwithstanding any other provision of law to the contrary, any individual who holds an occupational license issued by the Missouri gaming commission as a unarmed security guard serving on an**

excursion gambling boat, or a facility adjacent to such boat, shall be exempt from any other political subdivision's licensing requirements for unarmed security guards. This section is intended to preempt the use of multiple standards for regulating unarmed security guards in areas subject to regulation by the Missouri gaming commission and the commission shall have sole authority to license and regulate unarmed security guards on excursion gambling boats and adjacent facilities."; and

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

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

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

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 245, Page 18, Section 108.280, Line 18, by inserting immediately after said line the following:

"153.030. 1. All bridges over streams dividing this state from any other state owned, used, leased or otherwise controlled by any person, corporation, railroad company or joint stock company, and all bridges across or over navigable streams within this state, where the charge is made for crossing the same, which are now constructed, which are in the course of construction, or which shall hereafter be constructed, and all property, real and tangible personal, owned, used, leased or otherwise controlled by telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies and express companies shall be subject to taxation for state, county, municipal and other local purposes to the same extent as the property of private persons.

2. And taxes levied thereon shall be levied and collected in the manner as is now or may hereafter be provided by law for the taxation of railroad property in this state, and county commissions, county boards of equalization and the state tax commission are hereby required to perform the same duties and are given the same powers, including punitive powers, in assessing, equalizing and adjusting the taxes on the property set forth in this section as the county commissions and boards of equalization and state tax commission have or may hereafter be empowered with, in assessing, equalizing, and adjusting the taxes on railroad property; and an authorized officer of any such bridge, telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies, or express company or the owner of any such toll bridge, is hereby required to render reports of the property of such bridge, telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies, or express companies in like manner as the authorized officer of the railroad company is now or may hereafter be required to render for the taxation of railroad property.

3. On or before the fifteenth day of April in the year 1946 and each year thereafter an authorized officer of each such company shall furnish the state tax commission and county clerks a report, duly subscribed and sworn to by such authorized officer, which is like in nature and purpose to the reports required of railroads under chapter 151 showing the full amount of all real and tangible personal property owned, used, leased or otherwise controlled by each such company on January first of the year in which the report is due.

4. If any telephone company assessed pursuant to chapter 153 has a microwave relay station or stations in a county in which it has no wire mileage but has wire mileage in another county, then, for purposes of apportioning the assessed value of the distributable property of such companies, the straight line distance between such microwave relay stations shall constitute miles of wire. In the event that any public utility company assessed pursuant to this chapter has no distributable property which physically traverses the counties in which it operates, then the assessed value of the distributable property of such company shall be apportioned to the physical location of the distributable property.

5. **Notwithstanding any provision of law to the contrary, beginning January 1, 2017, a telephone company shall annually be assessed using the methodology for property tax purposes, as provided for pursuant to this section, or may annually elect to be assessed using the methodology for property tax purposes, as provided for pursuant to this section, for property consisting of land and buildings, and be assessed for all other property exclusively using the methodology utilized pursuant to section 137.122. The provisions of this subsection shall not be construed to change the original assessment jurisdiction of the state tax commission.**

6. **Nothing in subsection 5 shall be construed as applying to any other utilities.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.  
On motion of Representative Jones, **House Amendment No. 9** was adopted.

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

*House Amendment No. 10*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 245, Page 1, Section A, Line 6, by inserting immediately after said line the following:

"49.098. **1.** For the benefit of the executive branch and members and staff of the general assembly, in determining local needs in appropriation of funds of the state, the county commissioners in all counties of the second, third and fourth class shall file with the office of administration, the oversight division of the committee on legislative research, and the state auditor copies of summarized reports of all funds received from any agency of the United States government. Further, county commissioners, collectively or by designation of the presiding commissioner, shall represent the county on the following regional councils which may encompass their county: Manpower planning; aging; health planning; law enforcement assistance; community action; countywide sewer districts; solid waste management; county planning and zoning; University of Missouri extension; future boards, commissions and councils relating to health, education or welfare of the citizens as established by executive or legislative action of the government of the United States or of the state; and such other councils and organizations relating to operations of counties as from time to time may be created.

**2. Notwithstanding any provision of law to the contrary, in all counties, including counties of the first classification, a county commissioner having the duty of serving on any of the various boards or commissions shall participate in the affairs of the body and shall vote as a member of the county commission on any funding request submitted to the county commission. The participation and subsequent vote in favor of or against a budget request shall not constitute a conflict of interest by the county commissioner serving on such board or commission.";** and

Further amend said bill, Page 33, Section 249.1120, Line 87, by inserting immediately after said line the following:

"262.590. The council in any county shall have the right and duty to:

- (1) Make recommendations and suggestions to the university concerning the extension program;
- (2) Make recommendations and suggestions to the university concerning the appointment or removal of extension personnel;
- (3) Arrange for and administer the county's share of the cost of the extension services in the area over which the council has jurisdiction;
- (4) Receive by way of gift, purchase, or otherwise acquire, in its own name, real or personal property with the right to hold and to sell and convey title to any such property **and to obtain financing, in its own name, in connection with such purchase or acquisition;** provided no real estate not reasonably required for the administration of the extension program shall be held by the council for a period longer than two years; **and provided further that the financed amount shall not constitute a debt of the university, and the university shall have no obligation for repayment for any part of such financed amount";** and

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

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

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

*House Amendment No. 11*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 245, Page 3, Section 67.145, Line 5, by inserting the following after all of said line:

"67.405. 1. In any county of the third classification with a township form of government and with more than twenty thousand but fewer than twenty-three thousand inhabitants and with a city of the third classification with more than nine thousand but fewer than ten thousand inhabitants as the county seat that receives an annual payment under the federal "payments in lieu of taxes" program established in Public Law 97-258, 31 U.S.C. 6901 - 6907, if a portion of the payment received by the county is for entitlement lands originally located within any city of the fourth classification with more than four hundred but fewer than four hundred fifty inhabitants, then the county shall distribute to the city an amount:

(1) Equal to the payments in lieu of taxes payment per acre multiplied by the number of acres taken from the city; and

(2) Multiplied by a number equal to the average of the assessed valuation percentages for residential and commercial property under subsection 5 of section 137.115 divided by the assessed valuation percentage for agricultural property under subsection 5 of section 137.115.

2. In any county of the third classification without a township form of government and with more than nine thousand but fewer than ten thousand inhabitants and with a city of the fourth classification with more than nine hundred but fewer than one thousand fifty inhabitants as the county seat that receives an annual payment under the federal "payments in lieu of taxes" program established in Public Law 97-258, 31 U.S.C. 6901 - 6907, if a portion of the payment received by the county is for entitlement lands originally located within any city of the fourth classification with more than nine hundred but fewer than one thousand fifty inhabitants, then the county shall distribute to the city an amount:

(1) Equal to the payments in lieu of taxes payment per acre multiplied by the number of acres taken from the city; and

(2) Multiplied by a number equal to the average of the assessed valuation percentages for residential and commercial property under subsection 5 of section 137.115 divided by the assessed valuation percentage for agricultural property under subsection 5 of section 137.115.

3. In any county of the third classification without a township form of government and with more than nine thousand but fewer than ten thousand inhabitants and with a city of the fourth classification with more than nine hundred but fewer than one thousand fifty inhabitants as the county seat that receives an annual payment under the federal "payments in lieu of taxes" program established in Public Law 97-258, 31 U.S.C. 6901-6907, if a portion of the payment received by the county is for entitlement lands originally located within any village with more than one hundred ten but fewer than one hundred twenty-five inhabitants, then the county shall distribute to the village an amount:

(1) Equal to the payments in lieu of taxes payment per acre multiplied by the number of acres taken from the village; and

(2) Multiplied by a number equal to the average of the assessed valuation percentages for residential and commercial property under subsection 5 of section 137.115 divided by the assessed valuation percentage for agricultural property under subsection 5 of section 137.115."; and

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

On motion of Representative Love, **House Amendment No. 11** was adopted.

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

*House Amendment No. 12*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 245, Page 3, Section 67.145, Line 5, by inserting immediately after all of said line and section the following:

"67.320. 1. Any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, **any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat**, or any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants may prosecute and punish violations of its county orders in the circuit court of such counties in the manner and to the extent herein provided or in a county municipal court if creation of a county municipal court is approved by

order of the county commission. The county may adopt orders with penal provisions consistent with state law, but only in the areas of traffic violations, solid waste management, county building codes, on-site sewer treatment, zoning orders, and animal control. Any county municipal court established pursuant to the provisions of this section shall have jurisdiction over violations of that county's orders and the ordinances of municipalities with which the county has a contract to prosecute and punish violations of municipal ordinances of the municipality.

2. Except as provided in subsection 5 of this section in any county which has elected to establish a county municipal court pursuant to this section, the judges for such court shall be appointed by the county commission of such county, subject to confirmation by the legislative body of such county in the same manner as confirmation for other county appointed officers. The number of judges appointed, and qualifications for their appointment, shall be established by order of the commission.

3. The practice and procedure of each prosecution shall be conducted in compliance with all of the terms and provisions of sections 66.010 to 66.140, except as provided for in this section.

4. Any use of the term ordinance in sections 66.010 to 66.140 shall be synonymous with the term order for purposes of this section.

5. In any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants, the first judges shall be appointed by the county commission for a term of four years, and thereafter the judges shall be elected for a term of four years. The number of judges appointed, and qualifications for their appointment, shall be established by order of the commission."; and

Further amend said bill, Page 36, Section 473.730, Line 36, by inserting immediately after all of said section and line the following:

"476.083. 1. In addition to any appointments made pursuant to section 485.010, the presiding judge of each circuit containing one or more facilities operated by the department of corrections with an average total inmate population in all such facilities in the circuit over the previous two years of more than two thousand five hundred inmates **or containing, as of January 1, 2015, a diagnostic and reception center operated by the department of corrections and a mental health facility operated by the department of mental health which houses persons found not guilty of a crime by reason of mental disease or defect under chapter 552 and provides sex offender rehabilitation and treatment services (SORTS)** may appoint a circuit court marshal to aid the presiding judge in the administration of the judicial business of the circuit by overseeing the physical security of the courthouse, serving court-generated papers and orders, and assisting the judges of the circuit as the presiding judge determines appropriate. Such circuit court marshal appointed pursuant to the provisions of this section shall serve at the pleasure of the presiding judge. The circuit court marshal authorized by this section is in addition to staff support from the circuit clerks, deputy circuit clerks, division clerks, municipal clerks, and any other staff personnel which may otherwise be provided by law.

2. The salary of a circuit court marshal shall be established by the presiding judge of the circuit within funds made available for that purpose, but such salary shall not exceed ninety percent of the salary of the highest paid sheriff serving a county wholly or partially within that circuit. Personnel authorized by this section shall be paid from state funds or federal grant moneys which are available for that purpose and not from county funds.

3. Any person appointed as a circuit court marshal pursuant to this section shall have at least five years' prior experience as a law enforcement officer. In addition, any such person shall within one year after appointment, or as soon as practicable, attend a court security school or training program operated by the United States Marshal Service. In addition to all other powers and duties prescribed in this section, a circuit court marshal may:

- (1) Serve process;
- (2) Wear a concealable firearm; and
- (3) Make an arrest based upon local court rules and state law, and as directed by the presiding judge of the circuit.

**479.155. 1. By September 1, 2015, the presiding judge of the circuit court in which the municipal division is located shall report to the clerk of the supreme court the name and address of the municipal division and any other information regarding the municipal division requested by the clerk of the supreme court on a standardized form developed by the clerk of the supreme court.**

**2. If a municipality elects to abolish or establish a municipal division, the presiding judge of the circuit court in which the municipal division is located shall notify the clerk of the supreme court, and the presiding judge of any new municipal division shall complete the report required under subsection 1 of this section within ninety days of the establishment of the division."; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.  
On motion of Representative Higdon, **House Amendment No. 12** was adopted.

Representative Korman offered **House Amendment No. 13**.

*House Amendment No. 13*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 245, Page 35, Section 347.048, Line 18, by inserting immediately after all of said line and section the following:

"393.015. 1. Notwithstanding any other provision of law to the contrary, any sewer corporation, municipality or sewer district established under the provisions of chapter 249 or 250, or sections 204.250 to 204.470, or any sewer district created and organized pursuant to constitutional authority, may contract with any water corporation, **any municipality providing water, or any water districts established under chapter 247, which for purposes of this section shall collectively be designated as a water provider**, to terminate water services to any customer premises for nonpayment of a sewer bill. No such termination of water service may occur until thirty days after the sewer corporation, municipality or statutory sewer district or sewer district created and organized pursuant to constitutional authority sends a written notice to the customer, except that if the water [corporation] **provider** is performing a combined water and sewer billing service for the sewer corporation, municipality or sewer district, no additional notice or any additional waiting period shall be required other than the notice and waiting period already used by the water [corporation] **provider** to disconnect water service for nonpayment of the water bill. Acting pursuant to a contract, the water [corporation] **provider** shall discontinue water service until such time as the sewer charges and all related costs of termination and reestablishment of sewer and water services are paid by the customer.

2. A water [corporation] **provider** acting pursuant to a contract with a sewer corporation, municipality or sewer district as provided in subsection 1 of this section shall not be liable for damages related to termination of water services unless such damage is caused by the negligence of such water [corporation] **provider**, in which case the water [corporation] **provider** shall be indemnified by the sewer corporation, municipality or sewer district. Unless otherwise specified in the contract, all costs related to the termination and reestablishment of services by the water [corporation] **provider** shall be reimbursed by the sewer corporation, municipality, sewer district or sewer district created and organized pursuant to constitutional authority."; and

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

On motion of Representative Korman, **House Amendment No. 13** was adopted.

Representative Hinson offered **House Amendment No. 14**.

*House Amendment No. 14*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 245, Page 14, Section 67.1790, Line 129, by inserting the following after all of said section and line:

"72.418. 1. Notwithstanding any other provision of law to the contrary, no new city created pursuant to sections 72.400 to 72.423 shall establish a municipal fire department to provide fire protection services, including emergency medical services, if such city formerly consisted of unincorporated areas in the county or municipalities in the county, or both, which are provided fire protection services and emergency medical services by one or more fire protection districts. Such fire protection districts shall continue to provide services to the area comprising the new city and may levy and collect taxes the same as such districts had prior to the creation of such new city.

2. Fire protection districts serving the area included within any annexation by a city having a fire department, including simplified boundary changes, shall continue to provide fire protection services, including emergency medical services to such area.

3. **Notwithstanding any other provision of law to the contrary, beginning January 1, 2016, any fire protection districts serving the area included within any annexation by a city having a fire department,**

including simplified boundary changes, which annexation is not completed by August 28, 2015, shall continue to levy and collect taxes the same as such districts had prior to the annexation. The annexing city shall not levy or collect any property taxes on the annexed property relating to fire protection or emergency medical services.

4. Notwithstanding any other provision of law to the contrary, for any fire protection districts serving the area included within any annexation by a city having a fire department, including simplified boundary changes, which annexation has been completed by August 28, 2015:

**(1) Beginning January 1, 2016:**

(a) The annexing city shall pay annually to the fire protection district an amount equal to **eighty percent** of that which the fire protection district would have levied on all taxable property within the annexed area. [Such annexed area shall not be subject to taxation for any purpose thereafter by the fire protection district except for bonded indebtedness by the fire protection district which existed prior to the annexation.] The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be **eighty percent of [a] the sum** equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. **The annexing city shall not levy or collect any property taxes on the annexed property relating to fire protection or emergency medical services.**

(b) The annexed area shall be subject to taxation by the fire protection district for twenty percent of the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed area shall be subject to taxation by the fire protection district for bonded indebtedness by the fire protection district which existed prior to the annexation.

**(2) Beginning January 1, 2017:**

(a) The annexing city shall pay annually to the fire protection district an amount equal to sixty percent of that which the fire protection district would have levied on all taxable property within the annexed area. The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be sixty percent of [a] the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. The annexing city shall not levy or collect any property taxes on the annexed property relating to fire protection or emergency medical services.

(b) The annexed area shall be subject to taxation by the fire protection district for forty percent of the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed area shall be subject to taxation by the fire protection district for bonded indebtedness by the fire protection district which existed prior to the annexation.

**(3) Beginning January 1, 2018:**

(a) The annexing city shall pay annually to the fire protection district an amount equal to forty percent of that which the fire protection district would have levied on all taxable property within the annexed area. The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be forty percent of [a] the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. The annexing city shall not levy or collect any property taxes on the annexed property relating to fire protection or emergency medical services.



(b) The annexed area shall be subject to taxation by the fire protection district for sixty percent of the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed area shall be subject to taxation by the fire protection district for bonded indebtedness by the fire protection district which existed prior to the annexation.

(4) Beginning January 1, 2019:

(a) The annexing city shall pay annually to the fire protection district an amount equal to twenty percent of that which the fire protection district would have levied on all taxable property within the annexed area. The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be twenty percent of [a] the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. The annexing city shall not levy or collect any property taxes on the annexed property relating to fire protection or emergency medical services.

(b) The annexed area shall be subject to taxation by the fire protection district for eighty percent of the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed area shall be subject to taxation by the fire protection district for bonded indebtedness by the fire protection district which existed prior to the annexation.

(5) Beginning January 1, 2020, and thereafter, the annexed area shall be subject to taxation by the fire protection district for all taxes levied, including bonded indebtedness prior to and after annexation. The annexing city shall not levy or collect any property taxes on the annexed property relating to fire protection or emergency medical services.

5. Notwithstanding any other provision of law to the contrary, the residents of an area annexed on or after May 26, 1994, may vote in all fire protection district elections and may be elected to the fire protection district board of directors.

[3.] 6. The fire protection district may approve or reject any proposal for the provision of fire protection and emergency medical services by a city."; and

Further amend said bill, Page 34, Section 321.210, Line 9, by inserting the following after all of said line:

"321.322. 1. If any property located within the boundaries of a fire protection district shall be included within a city having a population of at least two thousand five hundred but not more than sixty-five thousand which is not wholly within the fire protection district and which maintains a city fire department, then upon the date of actual inclusion of the property within the city, as determined by the annexation process, the city shall within sixty days assume by contract with the fire protection district all responsibility for payment in a lump sum or in installments an amount mutually agreed upon by the fire protection district and the city for the city to cover all obligations of the fire protection district to the area included within the city, and thereupon the fire protection district shall convey to the city the title, free and clear of all liens or encumbrances of any kind or nature, any such tangible real and personal property of the fire protection district as may be agreed upon, which is located within the part of the fire protection district located within the corporate limits of the city with full power in the city to use and dispose of such tangible real and personal property as the city deems best in the public interest, and the fire protection district shall no longer levy and collect any tax upon the property included within the corporate limits of the city; except that, if the city and the fire protection district cannot mutually agree to such an arrangement, then the city shall assume responsibility for fire protection in the annexed area on or before January first of the third calendar year following the actual inclusion of the property within the city, as determined by the annexation process, and furthermore the fire protection district shall not levy and collect any tax upon that property included within the corporate limits of the city after the date of inclusion of that property:

(1) On or before January first of the second calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to the amount of revenue

which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(2) On or before January first of the third calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to four-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(3) On or before January first of the fourth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to three-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(4) On or before January first of the fifth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to two-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district; and

(5) On or before January first of the sixth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to one-fifth of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district.

Nothing contained in this section shall prohibit the ability of a city to negotiate contracts with a fire protection district for mutually agreeable services. This section shall also apply to those fire protection districts and cities which have not reached agreement on overlapping boundaries previous to August 28, 1990. Such fire protection districts and cities shall be treated as though inclusion of the annexed area took place on December thirty-first immediately following August 28, 1990.

2. Any property excluded from a fire protection district by reason of subsection 1 of this section shall be subject to the provisions of section 321.330.

3. The provisions of this section shall not apply in any county of the first class having a charter form of government and having a population of over nine hundred thousand inhabitants.

4. The provisions of this section shall not apply where the annexing city or town operates a city fire department, is any city of the third classification with more than six thousand but fewer than seven thousand inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, and is entirely surrounded by a single fire protection district. In such cases, the provision of fire and emergency medical services following annexation shall be governed by subsections 2, 4 and 6 [and 3] of section 72.418."; and

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

On motion of Representative Hinson, **House Amendment No. 14** was adopted.

Representative Pfautsch offered **House Amendment No. 15**.

*House Amendment No. 15*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 245, Page 18, Section 94.902, Line 101, by inserting after all of said section and line the following:

"105.145. 1. The following definitions shall be applied to the terms used in this section:

(1) "Governing body", the board, body, or persons in which the powers of a political subdivision as a body corporate, or otherwise, are vested;

(2) "Political subdivision", any agency or unit of this state, except counties and school districts, which now is, or hereafter shall be, authorized to levy taxes or empowered to cause taxes to be levied.

2. The governing body of each political subdivision in the state shall cause to be prepared an annual report of the financial transactions of the political subdivision in such summary form as the state auditor shall prescribe by rule, except that the annual report of political subdivisions whose cash receipts for the reporting period are ten

thousand dollars or less shall only be required to contain the cash balance at the beginning of the reporting period, a summary of cash receipts, a summary of cash disbursements and the cash balance at the end of the reporting period.

3. Within such time following the end of the fiscal year as the state auditor shall prescribe by rule, the governing body of each political subdivision shall cause a copy of the annual financial report to be remitted to the state auditor.

4. The state auditor shall immediately on receipt of each financial report acknowledge the receipt of the report.

5. In any fiscal year no member of the governing body of any political subdivision of the state shall receive any compensation or payment of expenses after the end of the time within which the financial statement of the political subdivision is required to be filed with the state auditor and until such time as the notice from the state auditor of the filing of the annual financial report for the fiscal year has been received.

6. The state auditor shall prepare sample forms for financial reports and shall mail the same to the political subdivisions of the state. Failure of the auditor to supply such forms shall not in any way excuse any person from the performance of any duty imposed by this section.

7. All reports or financial statements hereinabove mentioned shall be considered to be public records.

8. The provisions of this section apply to the board of directors of every transportation development district organized under sections 238.200 to 238.275. Any transportation development district that fails to timely submit a copy of the annual financial statement to the state auditor shall be subject to a fine not to exceed five hundred dollars per day. **The state auditor shall report any violation to the department of revenue. The department of revenue may collect the fine authorized under the provisions of this subsection by offsetting any sales tax distributions through any means permitted under law for the collection of taxes. Any fine collected shall be reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue. The director of revenue shall retain two percent for the cost of such collection. The remaining revenues collected from such violations shall be distributed annually to the schools of the county in the same manner that proceeds for all penalties, forfeitures, and fines collected for any breach of the penal laws of the state are distributed.**

9. **Upon notification from the state auditor's office that a transportation development district failed to timely submit a copy of the annual financial statement, the department of revenue shall notify such district by certified mail that the statement has not been received and that the district may be subject to a fine not to exceed five hundred dollars per day. Such notice shall clearly set forth the name of the district, the accrued amount of the fine, the district's opportunity to give written application for a hearing, by the administrative hearing commission, to contest the fine within thirty days of the date of receipt of the notice and that failure to either apply for such a hearing, in writing, or to submit the required annual financial statement within the thirty-day period will be deemed a waiver of the opportunity to contest the fine and the fine will be enforced and collected as provided in subsection 8 of this section. In the event a copy of the annual financial statement is received within such thirty-day period, no fine shall accrue or be imposed. Failure of the district to make application for a hearing or to submit the required annual financial statement timely shall cause the fine to be collected as provided for in subsection 8 of this section.**

10. **Any transportation development district organized under sections 238.200 to 238.275 having gross revenues of less than one thousand dollars annually shall not be subject to the fine authorized in subsection 8 of this section."**; and

Further amend said bill, Page 26, Section 221.407, Line 67, by inserting after all of said section and line the following:

"238.222. 1. The board shall possess and exercise all of the district's legislative and executive powers.

2. Within thirty days after the election of the initial directors or the selection of the initial directors pursuant to subsection 3 of section 238.220, the board shall meet. The time and place of the first meeting of the board shall be designated by the court that heard the petition upon the court's own initiative or upon the petition of any interested person. At its first meeting and after each election of new board members or the selection of the initial directors pursuant to subsection 3 of section 238.220 the board shall elect a chairman from its members.

3. The board shall appoint an executive director, district secretary, treasurer and such other officers or employees as it deems necessary.

4. At the first meeting, the board, by resolution, shall define the first and subsequent fiscal years of the district, [and] shall adopt a corporate seal, **and shall notify the state auditor as required in subsection 7 of this section.**

5. A simple majority of the board shall constitute a quorum. If a quorum exists, a majority of those voting shall have the authority to act in the name of the board, and approve any board resolution.

6. Each director shall devote such time to the duties of the office as the faithful discharge thereof may require and may be reimbursed for his actual expenditures in the performance of his duties on behalf of the district.

7. **Any district which has been previously organized and for which formation was approved prior to August 28, 2015, shall notify the state auditor's office in writing of the date it was organized and provide contact information for the current board of directors by December 31, 2015. Any district organized and formed after August 28, 2015, shall be required to notify the state auditor's office in writing of the date it was organized and provide contact information for the current board of directors within four months of the date the formation was approved by any court in this state.**

238.272. 1. The state auditor may audit each district not more than once every three years. The actual costs of this audit shall be paid by the district and shall not exceed the greater of three percent of the gross revenues received by the transportation district or three percent of the expenditures made by the transportation district.

2. **For petition audits performed on a transportation district by the state auditor, all expenses incurred in performing the audit including salaries of auditors, examiners, clerks, and other employees of the state auditor shall be paid by the transportation district, and the moneys shall be deposited in the petition audit revolving trust fund under section 29.230. The actual costs of the audit shall not exceed the greater of three percent of the gross revenues received by the transportation district or three percent of the expenditures made by the transportation district.**"; and

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

On motion of Representative Pfautsch, **House Amendment No. 15** was adopted.

Representative Rowden offered **House Amendment No. 16**.

*House Amendment No. 16*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 245, Page 18, Section 108.280, Line 18, by inserting after said line the following:

"137.076. 1. 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.

2. **In establishing the value of a parcel of real property the county assessor shall and will use an income based approach for assessment of parcels of real property with federal or state imposed restrictions in regard to rent limitations, operations requirements or any other restrictions imposed upon the property in connection with the property being eligible for any income tax credits under section 42 of the Internal Revenue Code of 1986 as amended; property constructed with the use of the United States Department of Housing and Urban Development HOME investment partnerships program; property constructed with the use of incentives provided by the United States Department of Agriculture Rural Development; or property receiving any other state or federal subsidies provided with respect to use of the property for housing purposes.**

3. **For the purposes of this section, the term "income based approach" shall and will include the use of direct capitalization methodology and computed by dividing the estimated net operating income of the parcel of property by an appropriate capitalization rate not to exceed the average of the current market data available in the county of said parcel of property plus the effective property tax rate applicable to the parcel. Federal and State tax credits or other subsidies shall not be considered when calculating the capitalization rate. Upon expiration of a land use restriction agreement, such parcel of property shall no longer be subject to this section.**"; and

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

On motion of Representative Rowden, **House Amendment No. 16** was adopted.

Representative Leara offered **House Amendment No. 17**.

*House Amendment No. 17*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 245, Page 15, Section 92.402, Line 25, by inserting after all of said line the following:

"94.360. **1.** The council of any incorporated town or city in this state having a special charter and which contains not more than thirty thousand inhabitants may by ordinance levy and collect a license tax on wholesale houses, auctioneers, architects, druggists, grocers, banks, brokers, wholesale merchants, merchants of all kinds, confectioners, delivery trucks, ice trucks, transfer trucks, laundry wagons, milk wagons, merchant delivery companies, cigar and tobacco stands, hay scales, wood dealers, coal dealers, coal distributors, coal truckers, lumber dealers, real estate agents, loan companies, abstracters, abstract agencies, loan agents, collection agencies, undertakers, public buildings, office buildings, public halls, public grounds, concerts, photographers in office or upon streets, canvassers, artists, drummers, patent right dealers, insurance companies, insurance agents, taverns, hotels, rooming houses, boarding houses, sanitariums, hospitals, health schools, telephone companies, street contractors, paperhanger contractors, painting contractors, plastering contractors, and all subcontractors, flour mills, express company agencies, opticians, wagons, buggies, carriages, tinnern, barbers, barbershops, hairdressers, hair dressing shops, whether conducted in connection with other business or separate, beauty parlors, tailors, florists, nursery stock agents, bookbinders, monument dealers, and agencies, manufacturing agents, shoe cobbler shops, storage warehouses, shoe shining parlors, job printing plants, outdoor advertising, ready-to-wear clothing agencies, tailor-made clothing agencies, sewing machine agencies, piano and organ dealers and agents, foreign coffee and tea dealers, and agents or all other vocations whatsoever, and fix the rate of carriage of persons and wagonage, drayage and cartage of property; and may levy and collect a license tax and regulate hawkers, peddlers, pawnbrokers, restaurants, butchers, wholesale butchers, bathhouses and masseurs, lunch stands, lunch counters, lunch wagons, soft drink and ice cream stands and vendors, ice cream parlors, peanut and popcorn stands, and stands of every kind, hucksters, opera houses, moving picture shows, private parks, public lectures, public meetings, baseball parks, horse and cattle dealers, stockyards, wagon yards, auto yards, oil stations, wholesale and retail inspectors, gaugers, mercantile agents, manufacturing and other corporations, or institutions, machine shops, blacksmith shops, radio repair shops, foundries, sewer contractors, building contractors, stone contractors, sidewalk contractors, bridge contractors, plumbing contractors, brick contractors, cement contractors, and all subcontractors, street railroad cars, gas companies, light companies, power companies, and water companies, laundries, laundry agencies, rug and carpet cleaners, linen supply rental service, conditioning and renting for use, bed linen, table linen, towels, rugs, uniform aprons, coats, caps, coveralls, chair covers, automobile seat covers or any other items, ice plants and ice plant agencies, ice dealers, omnibuses, automobiles, automobile trailers, tractors, carts, drays, milk wagons, laundry wagons, delivery wagons, transfer and job wagons, ice wagons, and all other vehicles, traveling and auction stores, plumbers, pressing establishments, installment houses and agencies, produce and poultry dealers, feather renovators, baker and bakeries, bakery delivery wagons, and delivery autos, bottling works, dye works, cleaning establishments, sand plants, steamfitters, corn doctors, chiropodists, hackmen, taxicabs, buses, draymen, omnibus drivers, porters, dairies, and regulate the same, and all other pursuing like occupations; and may levy and collect a license tax, regulate, restrain, prohibit and suppress ordinaries, money brokers, money changers, intelligence and employment offices, and agencies, public masquerades, balls, street exhibitions, dance halls, fortune tellers, pistol galleries, shooting galleries, palmists, private venereal hospitals, museums, menageries, equestrian performances, fluoroscopic views, picture shows, telescopic views, lung testers, muscle developers, magnifying glasses, ten pin alleys, ball alleys, bowling alleys, billiard tables, pool and other tables, miniature golf courses, theatrical or other exhibitions, boxing and sparring exhibitions, shows and amusements, amusement parks, and the sale of unclaimed goods by express companies or common carriers, auto wrecking shops, bill posters, junk dealers, porters, carnival and street fairs, circuses and shows for parade and exhibition, or both, skating rinks and runners, and solicitors for steamboats, cars, stages, taxicabs, hotels, rooming houses, boarding houses, bathhouses, masseurs, hospitals, sanitariums, health schools, and all other pursuing like occupations.

**2. Notwithstanding any other provision of law to the contrary, the total license taxes, including those authorized under section 94.270 and this section, imposed upon hotels or motels levied by any city shall not exceed one-eighth of one percent of a hotel's or motel's gross revenue or the tax rate imposed on hotels and**

**motels as of May 1, 2015, whichever is higher. The provisions of this subsection shall not apply to any tax levied in compliance with subsection 7 of section 94.270.";** and

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

On motion of Representative Leara, **House Amendment No. 17** was adopted.

On motion of Representative Dugger, **HCS SCS SB 245, as amended**, was adopted.

Representative Dugger moved that **HCS SCS SB 245, as amended**, be read the third time and passed.

Which motion was defeated by the following vote:

AYES: 062

Alferman	Andrews	Bernskoetter	Black	Brattin
Brown 57	Brown 94	Cierpiot	Comejo	Crawford
Cross	Davis	Dohrman	Dugger	Eggleston
English	Entlicher	Fitzwater 144	Fraker	Franklin
Gosen	Haahr	Hansen	Hinson	Hoskins
Hough	Houghton	Hubbard	Hummel	Justus
Kelley	King	Kolkmeyer	Korman	Lair
Lauer	Leara	Love	McCaherty	McGaugh
Miller	Muntzel	Pfautsch	Phillips	Pike
Redmon	Reiboldt	Rhoads	Richardson	Roden
Roeber	Rowden	Rowland	Shull	Solon
Spencer	Swan	Vescovo	Walker	Wood
Zerr	Mr. Speaker			

NOES: 096

Adams	Allen	Anders	Anderson	Arthur
Austin	Bahr	Barnes	Basye	Beard
Berry	Bondon	Burlison	Burns	Butler
Carpenter	Chipman	Colona	Conway 10	Cookson
Corlew	Curtman	Dogan	Dunn	Ellington
Engler	Fitzpatrick	Fitzwater 49	Flanigan	Frederick
Gannon	Gardner	Green	Haefner	Harris
Hicks	Higdon	Hill	Hubrecht	Hurst
Johnson	Keeney	Kendrick	Kidd	Kirkton
Koenig	Kratky	LaFaver	Lant	Lavender
Lynch	Marshall	Mathews	May	McCann Beatty
McCreery	McDaniel	McDonald	McManus	McNeil
Meredith	Messenger	Mims	Mitten	Montecillo
Moon	Morgan	Morris	Neely	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pierson	Pietzman	Pogue	Rehder
Remole	Rizzo	Rone	Ross	Runions
Ruth	Shaul	Shumake	Smith	Sommer
Taylor	Walton Gray	Webber	White	Wiemann
Wilson				

PRESENT: 000

ABSENT WITH LEAVE: 004

Conway 104                      Curtis                                  Jones                                  Lichtenegger  
 VACANCIES: 001

**SB 272**, relating to municipal commercial zones, was taken up by Representative Rowden.

On motion of Representative Rowden, **SB 272** was truly agreed to and finally passed by the following vote:

AYES: 154

Adams	Alferman	Allen	Anders	Anderson
Andrews	Arthur	Austin	Bahr	Bames
Basye	Beard	Bernskoetter	Bery	Black
Bondon	Brattin	Brown 57	Brown 94	Burlison
Burns	Butler	Carpenter	Chipman	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Corlew
Comejo	Crawford	Cross	Curtman	Davis
Dogan	Dohrman	Dugger	Dunn	Eggleston
Engler	English	Entlicher	Fitzpatrick	Fitzwater 144
Fitzwater 49	Flanigan	Fraker	Franklin	Frederick
Gannon	Gosen	Green	Haahr	Haefner
Hansen	Harris	Hicks	Higdon	Hill
Hinson	Hoskins	Hough	Houghton	Hubbard
Hubrecht	Hummel	Hurst	Johnson	Jones
Justus	Keeney	Kelley	Kendrick	Kidd
King	Kirkton	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Lavender
Leara	Love	Lynch	Mathews	May
McCaherty	McCann Beatty	McCreery	McDaniel	McDonald
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pietzman	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Rizzo	Roden	Roeber	Rone
Ross	Rowden	Rowland	Runions	Ruth
Shaul	Shull	Shumake	Smith	Solon
Sommer	Spencer	Swan	Taylor	Vescovo
Walker	Walton Gray	Webber	White	Wiemann
Wilson	Wood	Zer	Mr. Speaker	

NOES: 005

Ellington	Gardner	Koenig	Marshall	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 003

Curtis	Lichtenegger	McGaugh
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VACANCIES: 001

Representative Keeney declared the bill passed.

**HCS SCS SB 456**, relating to ownership of motor vehicles, was taken up by Representative Berry.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 456, Page 4, Section 301.140, Line 112, by deleting the phrase "301.127" and inserting in lieu thereof the phrase "[301.127] **301.217**"; and

Further amend said bill, Page 16, Section 301.562, Line 120, by deleting the word "**action**" and inserting in lieu thereof the word "**section**"; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 456, Page 1, Line 3 of the Title, by deleting the words "ownership of"; and

Further amend said bill, Page 17, Section 301.562, Line 145, by inserting after said line the following:

"306.126. 1. [The operator of a motorboat shall not allow any person to ride or sit on the gunwales, decking over the bow, railing, top of seat back or decking over the back of the motorboat while under way, unless such person is inboard of adequate guards or railing provided on the motorboat to prevent a passenger from being lost overboard. As used in this section, the term "adequate guards or railing" means guards or railings having a height parameter of at least six inches but not more than eighteen inches. Nothing in this section shall be construed to mean that passengers or other persons aboard a motorboat cannot occupy the decking over the bow of the boat to moor it to a mooring buoy or to cast off from such a buoy, or for any other necessary purpose. The provisions of this section shall not apply to vessels propelled by sail.

2.] Whenever any person leaves any watercraft, other than a personal watercraft, on the waters of the Mississippi River, the waters of the Missouri River or the lakes of this state and enters the water between the hours of 11:00 a.m. and sunset, the operator of such watercraft shall display on the watercraft a red or orange flag measuring not less than twelve inches by twelve inches. The provisions of this subsection shall not apply to watercraft that is moored or anchored. The flag required by this subsection shall be visible for three hundred sixty degrees around the horizon when displayed and shall be displayed only when an occupant of the watercraft has left the confines of the watercraft and entered the water. The flag required by this subsection shall not be displayed when the watercraft is engaged in towing any person, but shall be displayed when such person has ceased being towed and has reentered the water.

[3.] 2. No operator shall knowingly operate any watercraft within fifty yards of a flag required by subsection 2 of this section at a speed in excess of a slow-no wake speed."; and

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



**HCS SCS SB 456, as amended, with House Amendment No. 2, pending,** was laid over.

**THIRD READING OF HOUSE BILLS**

**HCS HB 1048,** relating to design-build contracts, was taken up by Representative Kidd.

On motion of Representative Kidd, **HCS HB 1048** was read the third time and passed by the following vote:

AYES: 147

Adams	Alferman	Allen	Anders	Anderson
Andrews	Arthur	Austin	Bahr	Bames
Basye	Beard	Bernskoetter	Berry	Black
Bondon	Brattin	Brown 57	Brown 94	Burlison
Burns	Butler	Carpenter	Chipman	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Corlew
Comejo	Crawford	Cross	Curtman	Davis
Dogan	Dohrman	Dunn	Eggleston	Ellington
Engler	English	Entlicher	Fitzwater 144	Flanigan
Fraker	Frederick	Gannon	Gardner	Gosen
Green	Haahr	Haefner	Hansen	Harris
Hicks	Higdon	Hill	Hinson	Hoskins
Hough	Houghton	Hubbard	Hubrecht	Hummel
Hurst	Johnson	Jones	Justus	Keeney
Kelley	Kendrick	Kidd	King	Kirkton
Koenig	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Lavender	Leara
Love	Lynch	Mathews	May	McCaherty
McCann Beatty	McCreery	McDaniel	McDonald	McGaugh
McManus	Meredith	Messenger	Mims	Montecillo
Morgan	Morris	Muntzel	Neely	Newman
Nichols	Norr	Otto	Pace	Peters
Pfautsch	Phillips	Pierson	Pietzman	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Rizzo	Roden	Roeber	Rone
Ross	Rowden	Rowland	Runions	Ruth
Shaul	Shull	Shumake	Smith	Solon
Sommer	Spencer	Swan	Taylor	Vescovo
Walker	Walton Gray	Webber	Wiemann	Wilson
Zerr	Mr. Speaker			

NOES: 008

Fitzwater 49	Marshall	McNeil	Miller	Moon
Pogue	White	Wood		

PRESENT: 000

ABSENT WITH LEAVE: 007

Curtis	Dugger	Fitzpatrick	Franklin	Lichtenegger
Mitten	Parkinson			

VACANCIES: 001

Representative Keeney declared the bill passed.

### PERFECTION OF HOUSE BILLS

**HB 1247**, relating to prohibiting sexual offenders from being near a child care facility, was taken up by Representative Lant.

On motion of Representative Lant, **HB 1247** was ordered perfected and printed.

**HB 854**, relating to the Missouri qualified fuel ethanol producer incentive fund, was taken up by Representative Reiboldt.

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

#### *House Amendment No. 1*

AMEND House Bill No. 854, Page 1, In the Title, Lines 2-3, by deleting the words "the Missouri qualified fuel ethanol producer incentive fund" and inserting in lieu thereof the words "renewable fuels"; and

Further amend said bill and page, Section A, Line 1, by inserting after all of said section and line the following:

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

(1) "Alternative fuel vehicle refueling property", property in this state owned by an eligible applicant and used for storing alternative fuels and for dispensing such alternative fuels into fuel tanks of motor vehicles owned by such eligible applicant or private citizens;

(2) "Alternative fuels", any motor fuel at least seventy percent of the volume of which consists of one or more of the following:

(a) Ethanol;

(b) Natural gas;

(c) Compressed natural gas, or CNG;

(d) Liquefied natural gas, or LNG;

(e) Liquefied petroleum gas, or LP gas, propane, or autogas;

(f) Any mixture of biodiesel and diesel fuel, without regard to any use of kerosene;

(g) Hydrogen;

(3) "Department", the department of economic development;

(4) "Electric vehicle recharging property", property in this state owned by an eligible applicant and used for recharging electric motor vehicles owned by such eligible applicant or private citizens;

(5) "Eligible applicant", a business entity or private citizen that is the owner of an electric vehicle recharging property or an alternative fuel vehicle refueling property;

(6) "Qualified Missouri contractor", a contractor whose principal place of business is located in Missouri and has been located in Missouri for a period of not less than five years;

(7) "Qualified property", an electric vehicle recharging property or an alternative fuel vehicle refueling property which, if constructed after August 28, 2014, was constructed with at least fifty-one percent of the costs being paid to qualified Missouri contractors for the:

(a) Fabrication of premanufactured equipment or process piping used in the construction of such facility;

(b) Construction of such facility; and

(c) General maintenance of such facility during the time period in which such facility receives any tax credit under this section.

If no qualified Missouri contractor is located within seventy-five miles of the property, the requirement that fifty-one percent of the costs shall be paid to qualified Missouri contractors shall not apply.

2. For all tax years beginning on or after January 1, 2015, but before January 1, 2018, any eligible applicant who installs and operates a qualified property shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or due under chapter 147 or chapter 148 for any tax year in which the applicant is constructing the qualified property. The credit allowed in this section per eligible applicant who is a private citizen shall not exceed fifteen hundred dollars or per eligible applicant that is a business entity shall not exceed the lesser of twenty thousand dollars or twenty percent of the total costs directly associated with the purchase and installation of any alternative fuel storage and dispensing equipment or any recharging equipment on any qualified property, which shall not include the following:

- (1) Costs associated with the purchase of land upon which to place a qualified property;
- (2) Costs associated with the purchase of an existing qualified property; or
- (3) Costs for the construction or purchase of any structure.

3. Tax credits allowed by this section shall be claimed by the eligible applicant at the time such applicant files a return for the tax year in which the storage and dispensing or recharging facilities were placed in service at a qualified property, and shall be applied against the income tax liability imposed by chapter 143, chapter 147, or chapter 148 after all other credits provided by law have been applied. The cumulative amount of tax credits which may be claimed by eligible applicants claiming all credits authorized in this section **and section 135.711** shall not exceed one million dollars in any calendar year, subject to appropriations.

4. If the amount of the tax credit exceeds the eligible applicant's tax liability, the difference shall not be refundable. Any amount of credit that an eligible applicant is prohibited by this section from claiming in a taxable year may be carried forward to any of such applicant's two subsequent taxable years. Tax credits allowed under this section may be assigned, transferred, sold, or otherwise conveyed.

5. Any qualified property, for which an eligible applicant receives tax credits under this section, which ceases to sell alternative fuel or recharge electric vehicles shall cause the forfeiture of such eligible applicant's tax credits provided under this section for the taxable year in which the qualified property ceased to sell alternative fuel or recharge electric vehicles and for future taxable years with no recapture of tax credits obtained by an eligible applicant with respect to such applicant's tax years which ended before the sale of alternative fuel or recharging of electric vehicles ceased.

6. The director of revenue shall establish the procedure by which the tax credits in this section may be claimed, and shall establish a procedure by which the cumulative amount of tax credits is apportioned equally among all eligible applicants claiming the credit. To the maximum extent possible, the director of revenue shall establish the procedure described in this subsection in such a manner as to ensure that eligible applicants can claim all the tax credits possible up to the cumulative amount of tax credits available for the taxable year. No eligible applicant claiming a tax credit under this section shall be liable for any interest or penalty for filing a tax return after the date fixed for filing such return as a result of the apportionment procedure under this subsection.

7. Any eligible applicant desiring to claim a tax credit under this section shall submit the appropriate application for such credit with the department. The application for a tax credit under this section shall include any information required by the department. The department shall review the applications and certify to the department of revenue each eligible applicant that qualifies for the tax credit.

8. The department and the department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, 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, 2008, shall be invalid and void.

9. The provisions of section 23.253 of the Missouri sunset act notwithstanding:

- (1) The provisions of the new program authorized under this section shall automatically sunset three years after December 31, 2014, 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 six years after the effective date of the reauthorization of this section; and
- (3) This section shall terminate on December thirty-first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and
- (4) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem 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.

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

(1) "Placed in service", a qualified alternative fuel vehicle that is ready and available for a specific use, whether in a business activity, an income-producing activity, a tax-exempt activity, or a personal activity. Even if the vehicle is not being used, the vehicle is placed in service when it is ready and available for its specific use;

(2) "Qualified alternative fuel", electricity, liquefied petroleum gas, natural gas and liquid fuels produced from natural gas, or compressed natural gas;

(3) "Qualified alternative fuel vehicle", a motor vehicle designed and approved for highway use that operates on a qualified alternative fuel, is placed in service on or after July 1, 2015, but before January 1, 2018, and that is described by the following applicable descriptions:

(a) Compressed natural gas vehicles and liquefied petroleum gas vehicles may have either dedicated or bi-fuel systems;

(b) Vehicles that operate on electricity shall have a speed of at least fifty-five miles per hour, a battery capacity of no less than four kilowatt hours, and shall be capable of being recharged from an external source of electricity;

(c) Alternative fuel systems installed on motor vehicles shall be new equipment and:

a. Shall not have been previously used to modify or retrofit a vehicle;

b. Shall meet applicable federal and state safety standards;

c. Shall be certified by the Environmental Protection Agency for the motor vehicle or engine upon which it is installed; and

d. Shall be installed by a trained and authorized technician that is certified to install such a system or shall have been installed before the new vehicle is offered for sale for the first time at retail;

(d) Such qualified alternative fuel vehicle shall meet or exceed the clean fuel vehicle standards in Title II of the federal Clean Air Act Amendments of 1990 (Pub. L. No. 101-549, 104 Stat. 2472-2531) and shall be:

a. A motor vehicle with two separate fuel systems designed to run on either a qualified alternative fuel or conventional fuel or a blend of both; or

b. A motor vehicle with an engine designed to operate on a single qualified alternative fuel only;

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

(5) "Taxpayer", any natural person, association, partnership, limited liability company, limited partnership, or corporation subject to the tax imposed in chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax imposed in chapter 147, 148, or 153, and who owns and operates a qualified alternative fuel vehicle licensed in this state.

2. (1) For all taxable years beginning on or after January 1, 2015, a taxpayer shall be allowed a tax credit for purchasing a new qualified alternative fuel vehicle or converting a previously-purchased motor vehicle to a qualified alternative fuel vehicle in the following amounts:

(a) Five thousand dollars for each vehicle with a gross vehicle weight of greater than two thousand pounds but less than ten thousand pounds;

(b) Seven thousand dollars for a heavy-duty vehicle with a gross vehicle weight of at least ten thousand pounds but less than twenty-six thousand pounds; and

(c) Twenty thousand dollars for vehicles with a gross vehicle weight of at least twenty-six thousand pounds.

(2) No more than one credit shall be issued per qualified alternative fuel vehicle.

3. The tax credits authorized in this section shall be claimed for the tax year in which the qualified alternative fuel vehicle was placed in service. If the amount of the tax credit issued exceeds the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed, the difference shall not be refundable but may be carried forward to any of the taxpayer's ten subsequent taxable years. No tax credit issued under this section shall be transferred, sold, or assigned.

4. No more than one hundred thousand dollars in tax credits authorized in this section shall be issued to a particular taxpayer through the last day of March of each fiscal year, but all unused, appropriated tax credits may be issued to any taxpayer for any qualified alternative fuel vehicle and shall not be subject to the one hundred thousand dollar limit beginning on April first of the fiscal year until the end of such fiscal year. The aggregate amount of tax credits which may be issued under this section in any one fiscal year shall not exceed the one million dollar calendar-year limit on such tax credits in subsection 3 of section 135.710.

5. Notwithstanding the provisions of section 304.180 to the contrary, any qualified alternative fuel vehicle or combination of vehicles that uses qualified alternative fuel as a motor fuel may exceed the

maximum gross vehicle limit and axle weight limit on such vehicles listed in section 304.180 by two thousand pounds.

6. The department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, 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, 2015, shall be invalid and void.

7. 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. The termination of the program as described in this subsection shall not be construed to preclude any taxpayer who claims any benefit under any program that is sunset under this subsection from claiming such benefit for all allowable activities related to such claim that were completed before the program was sunset, or to eliminate any responsibility of the administering agency to verify the continued eligibility of projects receiving tax credits and to enforce other requirements of law that applied before the program was sunset."; and

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

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

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

*House Amendment No. 2*

AMEND House Bill No. 854, Page 1, Section 142.029, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"142.029. Section 142.028 shall expire on December 31, [2015] **2019**."; and

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

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

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 107

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Beard	Bernskoetter
Berry	Black	Bondon	Brattin	Brown 57
Brown 94	Burlison	Chipman	Cierpiot	Conway 104
Cookson	Corlew	Cornejo	Crawford	Cross
Curtman	Davis	Dogan	Dohman	Eggleston
Engler	English	Entlicher	Fitzpatrick	Fitzwater 144
Fitzwater 49	Franklin	Frederick	Gannon	Gosen
Haefner	Hansen	Higdon	Hill	Hinson
Hoskins	Hough	Houghton	Hubrecht	Hurst
Johnson	Justus	Keeny	Kelley	Kidd

2224 *Journal of the House*

King	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Love	Lynch
Mathews	McCaherty	McDaniel	McGaugh	Messenger
Miller	Morris	Muntzel	Neely	Parkinson
Pfäutsch	Phillips	Pietzman	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Richardson
Roden	Roeber	Rone	Ross	Rowden
Rowland	Ruth	Shaul	Shull	Shumake
Solon	Sommer	Spencer	Swan	Taylor
Vescovo	Walker	White	Wiemann	Wilson
Wood	Zerr			

NOES: 038

Adams	Anders	Arthur	Bums	Carpenter
Colona	Conway 10	Dunn	Ellington	Gardner
Green	Harris	Hummel	Kendrick	Kratky
LaFaver	Lavender	May	McCann Beatty	McCreery
McDonald	McNeil	Meredith	Mims	Mitten
Montecillo	Moon	Morgan	Newman	Norr
Otto	Pace	Peters	Rizzo	Runions
Smith	Walton Gray	Webber		

PRESENT: 000

ABSENT WITH LEAVE: 017

Butler	Curtis	Dugger	Flanigan	Fraker
Haahr	Hicks	Hubbard	Jones	Kirkton
Lichtenegger	Marshall	McManus	Nichols	Pierson
Rhoads	Mr. Speaker			

VACANCIES: 001

On motion of Representative Reiboldt, **HB 854, as amended**, was ordered perfected and printed.

**HCS HB 657**, relating to minimum sentencing for first-time offenders who have been convicted of certain dangerous felonies, was taken up by Representative Phillips.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 657, Page 5, Section 558.019, Line 34, by deleting all of said line and inserting in lieu thereof the following:

**"felonies of assault in the first degree and robbery in the first";** and

Further amend said bill, page, and section, Line 37, by inserting immediately after the word **"court."** the following:

**"Any such offender who is paroled and thereafter has his or her parole revoked due to conduct which would be punished as a felony under the laws of this state, or of conduct under the laws of any state or of the United States which, if committed within this state, would be a felony shall not be released until he or she has served the remainder of his or her original sentence as imposed by the court.";** and

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

**HCS HB 657, with House Amendment No. 1, pending,** was laid over.

**HB 1330,** relating to rental agreements, was taken up by Representative Cross.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 094

Alferman	Anderson	Andrews	Bahr	Bames
Basye	Beard	Berry	Black	Bondon
Brattin	Brown 57	Brown 94	Burlison	Chipman
Cierpiot	Cookson	Corlew	Crawford	Cross
Curtman	Davis	Dogan	Dohman	Eggleston
Engler	English	Entlicher	Fitzpatrick	Fitzwater 49
Fraker	Frederick	Gannon	Gosen	Haefner
Hansen	Hicks	Higdon	Hill	Hoskins
Houghton	Hubrecht	Hurst	Johnson	Jones
Justus	Keeney	Kelley	Kidd	King
Koenig	Korman	Lair	Lant	Love
Lynch	Mathews	McCaherty	McDaniel	McGaugh
Messenger	Miller	Moon	Morris	Muntzel
Neely	Parkinson	Pfautsch	Phillips	Pike
Pogue	Rehder	Reiboldt	Remole	Richardson
Roden	Roeber	Rone	Ross	Rowland
Ruth	Shaul	Shull	Shumake	Solon
Spencer	Swan	Taylor	Vescovo	Walker
White	Wiemann	Wilson	Wood	

NOES: 038

Adams	Anders	Arthur	Burns	Butler
Carpenter	Colona	Curtis	Dunn	Gardner
Green	Harris	Hubbard	Hummel	Kirkton
Kratky	LaFaver	Lavender	Marshall	May
McCann Beatty	McCreery	McNeil	Meredith	Mims
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Runions	Smith	Walton Gray		

PRESENT: 000

ABSENT WITH LEAVE: 030

Allen	Austin	Bemskoetter	Conway 10	Conway 104
Comejo	Dugger	Ellington	Fitzwater 144	Flanigan
Franklin	Haahr	Hinson	Hough	Kendrick
Kolkmeyer	Lauer	Leara	Lichtenegger	McDonald
McManus	Mitten	Pietzman	Redmon	Rhoads
Rowden	Sommer	Webber	Zerr	Mr. Speaker

VACANCIES: 001

On motion of Representative Cross, **HB 1330** was ordered perfected and printed by the following vote, the ayes and noes having been demanded by Representative Nichols:

AYES: 104

Alferman	Anders	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Beard	Benskoetter
Berry	Black	Bondon	Brattin	Brown 57
Brown 94	Burlison	Chipman	Cierpiot	Cookson
Corlew	Comejo	Crawford	Cross	Curtman
Davis	Dogan	Dohrman	Dugger	Eggleston
Engler	Entlicher	Fitzpatrick	Fitzwater 144	Fitzwater 49
Fraker	Frederick	Gannon	Gosen	Haefner
Hansen	Harris	Hicks	Higdon	Hill
Hoskins	Houghton	Hubrecht	Hurst	Johnson
Jones	Justus	Keeney	Kelley	King
Koenig	Kolkmeier	Korman	LaFaver	Lair
Lant	Leara	Love	Lynch	Marshall
McCaherty	McDaniel	McGaugh	Messenger	Miller
Morris	Muntzel	Neely	Parkinson	Pfautsch
Phillips	Pietzman	Pike	Pogue	Rehder
Reiboldt	Remole	Richardson	Roden	Roeber
Rone	Ross	Rowland	Ruth	Shaul
Shull	Shumake	Solon	Sommer	Spencer
Swan	Taylor	Vescovo	Walker	Wiemann
Wilson	Wood	Zerr	Mr. Speaker	

NOES: 037

Adams	Arthur	Burns	Butler	Carpenter
Curtis	Dunn	Ellington	English	Gardner
Green	Hubbard	Hummel	Kirkton	Lavender
May	McCann Beatty	McCreery	McManus	McNeil
Meredith	Mims	Montecillo	Moon	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Runions	Smith
Walton Gray	White			

PRESENT: 000

ABSENT WITH LEAVE: 021

Allen	Colona	Conway 10	Conway 104	Flanigan
Franklin	Haahr	Hinson	Hough	Kendrick
Kidd	Kratky	Lauer	Lichtenegger	Mathews
McDonald	Mitten	Redmon	Rhoads	Rowden
Webber				

VACANCIES: 001

**HCS HB 1179**, relating to public office vacancies, was taken up by Representative Alferman.

On motion of Representative Alferman, **HCS HB 1179** was adopted.

On motion of Representative Alferman, **HCS HB 1179** was ordered perfected and printed.



### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 254, 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 refuses to concur in **HCS SB 282, 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 refuses to concur in **HCS SB 283, as amended**, and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

### PERFECTION OF HOUSE BILLS

**HCS HB 978**, relating to the release of certain offenders from prison, was taken up by Representative Dogan.

Speaker Diehl resumed the Chair.

**HCS HB 978** was laid over.

### PERFECTION OF HOUSE JOINT RESOLUTIONS

**HJR 44**, relating to a bond issuance for the veterans home bond fund, was taken up by Representative Shumake.

On motion of Representative Shumake, **HJR 44** was ordered perfected and printed.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 615** entitled:

An act to repeal sections 287.040, 287.090, 287.140, 287.955, 287.957, and 287.975, RSMo, and to enact in lieu thereof seven new sections relating to workers' compensation, with an existing penalty provision.

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 concur in **HCS SCS SB 270, as amended**, and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

**MOTION**

Representative Richardson moved that Rule 23 be suspended.

Which motion was adopted by the following vote:

AYES: 121

Alferman	Allen	Anders	Anderson	Andrews
Bahr	Basye	Bernskoetter	Berry	Bondon
Brattin	Brown 94	Burlison	Burns	Carpenter
Chipman	Cierpiot	Colona	Conway 10	Conway 104
Cookson	Corlew	Crawford	Cross	Curtis
Davis	Dogan	Dohrman	Dugger	Dunn
Eggleston	English	Entlicher	Fitzpatrick	Fitzwater 49
Fraker	Frederick	Gannon	Green	Haefer
Hansen	Harris	Hill	Hoskins	Houghton
Hubbard	Hubrecht	Hummel	Hurst	Johnson
Jones	Justus	Keeney	Kelley	Kendrick
Kidd	King	Kirkton	Koenig	Korman
Kratky	Lant	Lauer	Leara	Love
Lynch	Mathews	May	McCaherty	McCann Beatty
McDaniel	McDonald	McGaugh	McNeil	Messenger
Miller	Mims	Mitten	Moon	Morgan
Morris	Muntzel	Neely	Nichols	Norr
Pace	Parkinson	Pfautsch	Phillips	Pierson
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Roden	Roeber	Rone
Ross	Rowden	Rowland	Runions	Ruth
Shaul	Shull	Shumake	Solon	Sommer
Spencer	Swan	Taylor	Vescovo	Walker
White	Wiemann	Wilson	Wood	Zerr

Mr. Speaker

NOES: 014

Adams	Arthur	Ellington	Gardner	LaFaver
Lavender	Marshall	McCreery	Meredith	Montecillo
Newman	Smith	Walton Gray	Webber	

PRESENT: 001

Pogue

ABSENT WITH LEAVE: 026

Austin	Barnes	Beard	Black	Brown 57
Butler	Comejo	Curtman	Engler	Fitzwater 144
Flanigan	Franklin	Gosen	Haahr	Hicks
Higdon	Hinson	Hough	Kolkmeyer	Lair
Lichtenegger	McManus	Otto	Peters	Pietzman
Rizzo				

VACANCIES: 001

Representative Keeney resumed the Chair.

**BILLS CARRYING REQUEST MESSAGES**

**HCS SCS SB 473, as amended**, relating to school directors for urban school districts, was taken up by Representative Rowland.

Representative Rowland moved that the House refuse to recede from its position on **HCS SCS SB 473, as amended**, and grant the Senate a conference.

Representative Richardson moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Alferman	Allen	Anderson	Andrews	Bahr
Basye	Beard	Bernskoetter	Berry	Black
Bondon	Brattin	Brown 57	Brown 94	Burlison
Chipman	Cookson	Corlew	Crawford	Cross
Davis	Dogan	Dohman	Dugger	Eggleston
English	Entlicher	Fitzwater 49	Fraker	Franklin
Frederick	Gannon	Haahr	Haefner	Hansen
Higdon	Hill	Hoskins	Hough	Hubrecht
Hurst	Johnson	Jones	Justus	Keeney
Kelley	Kidd	King	Koenig	Korman
Lant	Lauer	Leara	Love	Lynch
Marshall	Mathews	McCaherty	McDaniel	McGaugh
Messenger	Miller	Moon	Morris	Muntzel
Neely	Parkinson	Pfautsch	Phillips	Pietzman
Pike	Pogue	Rehder	Reiboldt	Remole
Rhoads	Richardson	Roden	Roeber	Rone
Ross	Rowland	Ruth	Shaul	Shull
Shumake	Solon	Sommer	Spencer	Swan
Taylor	Vescovo	Walker	White	Wiemann
Wilson	Mr. Speaker			

NOES: 040

Adams	Anders	Arthur	Burns	Carpenter
Colona	Conway 10	Dunn	Ellington	Gardner
Green	Harris	Hubbard	Hummel	Kendrick
Kirkton	Kratky	LaFaver	Lavender	May
McCann Beatty	McCreery	McDonald	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Rizzo	Runions	Smith	Walton Gray	Webber

PRESENT: 000

ABSENT WITH LEAVE: 025

Austin	Barnes	Butler	Cierpiot	Conway 104
Comejo	Curtis	Curtman	Engler	Fitzpatrick
Fitzwater 144	Flanigan	Gosen	Hicks	Hinson
Houghton	Kolkmeier	Lair	Lichtenegger	Peters
Pierson	Redmon	Rowden	Wood	Zerr

VACANCIES: 001

Representative Rowland again moved that the House refuse to recede from its position on **HCS SCS SB 473, as amended** and grant the Senate a conference.

Which motion was adopted.

**HCS SB 254, as amended**, relating to license plates, was taken up by Representative Davis.

Representative Davis moved that the House refuse to recede from its position on **HCS SB 254, as amended**, and grant the Senate a conference.

Which motion was adopted.

**HCS SB 283, as amended**, relating to public employee retirement systems, was taken up by Representative Leara.

Representative Leara moved that the House refuse to recede from its position on **HCS SB 283, as amended**, and grant the Senate a conference.

Which motion was adopted.

**HCS SCS SB 270, as amended**, relating to public retirement systems, was taken up by Representative Dugger.

Representative Dugger moved that the House refuse to recede from its position on **HCS SCS SB 270, as amended**, and grant the Senate a conference.

Which motion was adopted.

### THIRD READING OF SENATE BILLS

**HCS SCS SB 456, as amended, with House Amendment No. 2, pending**, relating to ownership of motor vehicles, was again taken up by Representative Berry.

**House Amendment No. 2** was withdrawn.

On motion of Representative Berry, **HCS SCS SB 456, as amended**, was adopted.

On motion of Representative Berry, **HCS SCS SB 456, as amended**, was read the third time and passed by the following vote:

AYES: 126

Adams	Alferman	Allen	Anders	Anderson
Andrews	Arthur	Bahr	Barnes	Basye
Beard	Bernskoetter	Berry	Black	Bondon
Brattin	Brown 57	Brown 94	Burlison	Bums
Chipman	Conway 10	Conway 104	Corlew	Crawford
Cross	Davis	Dogan	Dohman	Dunn

Eggleston	Ellington	Engler	English	Entlicher
Fitzwater 144	Fitzwater 49	Fraker	Franklin	Frederick
Gannon	Haefner	Hansen	Harris	Hicks
Higdon	Hill	Hinson	Hoskins	Hough
Houghton	Hubbard	Hubrecht	Hummel	Hurst
Jones	Justus	Keeney	Kelley	Kendrick
Kidd	King	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lant	Lauer	Lavender
Leara	Love	Lynch	Mathews	May
McCann Beatty	McDaniel	McDonald	McGaugh	McManus
Meredith	Messenger	Miller	Mims	Montecillo
Morgan	Morris	Muntzel	Neely	Otto
Parkinson	Pfautsch	Phillips	Pietzman	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Rizzo	Roden	Roeber	Rone
Ross	Rowden	Rowland	Runions	Ruth
Shaul	Shull	Shumake	Smith	Solon
Sommer	Spencer	Swan	Taylor	Vescovo
Walker	Webber	White	Wiemann	Wilson
Zerr				

NOES: 017

Butler	Carpenter	Fitzpatrick	Gardner	Green
Kirkton	Marshall	McCreery	McNeil	Mitten
Moon	Newman	Nichols	Norr	Pace
Pogue	Walton Gray			

PRESENT: 001

Johnson

ABSENT WITH LEAVE: 018

Austin	Cierpiot	Colona	Cookson	Comejo
Curtis	Curtman	Dugger	Flanigan	Gosen
Haahr	Lair	Lichtenegger	McCaherty	Peters
Pierson	Wood	Mr. Speaker		

VACANCIES: 001

Representative Keeney declared the bill passed.

**SB 524**, relating to contractual fees charged by certain financial institutions, was taken up by Representative Shull.

On motion of Representative Shull, **SB 524** was truly agreed to and finally passed by the following vote:

AYES: 144

Adams	Alferman	Allen	Anders	Anderson
Andrews	Arthur	Bahr	Basye	Beard
Bernskoetter	Berry	Black	Bondon	Brattin
Brown 57	Brown 94	Burlison	Bums	Butler
Carpenter	Chipman	Conway 10	Conway 104	Corlew
Crawford	Cross	Davis	Dogan	Dohman

Dugger	Dunn	Eggleston	Ellington	Engler
English	Entlicher	Fitzpatrick	Fitzwater 144	Fitzwater 49
Fraker	Franklin	Frederick	Gannon	Gardner
Green	Haefner	Hansen	Harris	Hicks
Higdon	Hill	Hinson	Hoskins	Hough
Houghton	Hubbard	Hubrecht	Hummel	Hurst
Johnson	Jones	Justus	Keeney	Kelley
Kendrick	Kidd	King	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lant
Lauer	Lavender	Leara	Love	Lynch
Mathews	May	McCaherty	McCann Beatty	McCreery
McDaniel	McDonald	McGaugh	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pietzman	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Rizzo
Roden	Roeber	Rone	Ross	Rowland
Runions	Ruth	Shaul	Shull	Shumake
Smith	Solon	Sommer	Spencer	Swan
Taylor	Vescovo	Walker	Walton Gray	Webber
White	Wiemann	Wilson	Zer	

NOES: 001

Marshall

PRESENT: 000

ABSENT WITH LEAVE: 017

Austin	Barnes	Cierpiot	Colona	Cookson
Comejo	Curtis	Curtman	Flanigan	Gosen
Haahr	Lair	Lichtenegger	Pierson	Rowden
Wood	Mr. Speaker			

VACANCIES: 001

Representative Keeney declared the bill passed.

### **THIRD READING OF SENATE CONCURRENT RESOLUTIONS**

**SCR 2**, relating to recognition of November as Pica Awareness Month in Missouri, was taken up by Representative English.

On motion of Representative English, **SCR 2** was truly agreed to and finally passed by the following vote:

AYES: 143

Adams	Alfeman	Allen	Anders	Anderson
Andrews	Arthur	Bahr	Barnes	Basye
Bernskoetter	Bery	Black	Bondon	Brattin
Brown 57	Brown 94	Burlison	Burns	Butler
Carpenter	Chipman	Colona	Conway 10	Conway 104
Corlew	Crawford	Cross	Davis	Dogan

Dohman	Dugger	Dunn	Eggleston	Ellington
Engler	English	Entlicher	Fitzpatrick	Fitzwater 144
Fitzwater 49	Fraker	Franklin	Frederick	Gannon
Gardner	Haefner	Hansen	Harris	Hicks
Higdon	Hill	Hinson	Hoskins	Hough
Houghton	Hubbard	Hubrecht	Hummel	Hurst
Johnson	Jones	Justus	Keeney	Kelley
Kendrick	Kidd	King	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lant
Lauer	Lavender	Leara	Love	Lynch
Mathews	May	McCaherty	McCann Beatty	McCreery
McDaniel	McDonald	McGaugh	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pietzman	Pike	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Rizzo	Roden
Roeber	Rone	Ross	Rowland	Runions
Ruth	Shaul	Shull	Shumake	Smith
Solon	Sommer	Spencer	Swan	Taylor
Vescovo	Walker	Walton Gray	Webber	White
Wiemann	Wilson	Zerr		

NOES: 002

Marshall Pogue

PRESENT: 000

ABSENT WITH LEAVE: 017

Austin	Beard	Cierpiot	Cookson	Comejo
Curtis	Curtman	Flanigan	Gosen	Green
Haahr	Lair	Lichtenegger	Pierson	Rowden
Wood	Mr. Speaker			

VACANCIES: 001

Representative Keeney declared the bill passed.

**PERFECTION OF HOUSE BILLS**

**HCS HB 956**, relating to ratemaking for gas corporations, was taken up by Representative Fraker.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 956, Page 2, Section 393.1012, Line 40, by inserting after the word, "**unlawful.**" the following:

**"Nor does anything in this section modify in any way the provisions of paragraph (a) of subdivision (3) of subsection 4 of section 393.1009 which provides that ISRS-eligible investments may not increase revenues by directly connecting the infrastructure replacement to new customers.";** and

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

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

Speaker Diehl resumed the Chair.

**HCS HB 956, as amended**, was laid over.

#### **APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

**HCS SCS SB 270:** Representatives Dugger, Walker, Leara, Montecillo and Colona

**HCS SB 283:** Representatives Leara, McCaherty, Mathews, Colona and Carpenter

**HCS SB 254:** Representatives Davis, Jones, Allen, Conway (10) and Kirkton

**HCS SCS SB 473:** Representatives Rowland, Johnson, Fitzwater (144), Montecillo and Conway (10)

#### **REFERRAL OF HOUSE JOINT RESOLUTIONS**

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

**HCS HJR 41** - Fiscal Review

#### **REFERRAL OF HOUSE BILLS - APPROPRIATIONS**

The following House Bill was referred to the Committee indicated:

**HB 19** - Select Committee on Budget

#### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**SCS HCS HB 50** - Fiscal Review

**SCS HB 152** - Fiscal Review

**HCS HB 180** - Fiscal Review

**HCS HB 207** - Fiscal Review

**SCS HB 615** - Fiscal Review

**HB 629** - Fiscal Review

**SCS HB 878** - Fiscal Review

**HCS HB 1047** - Fiscal Review

#### **REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

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

**SCR 24** - Energy and the Environment



## REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

**HCS SCS SB 210** - Fiscal Review

**HCS SCS SB 341** - Fiscal Review

## COMMITTEE REPORTS

**Committee on Agriculture Policy**, Chairman Houghton reporting:

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **SCS SB 131**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(2) be referred to the Select Committee on Agriculture.

**Committee on Civil and Criminal Proceedings**, Chairman Cornejo reporting:

Mr. Speaker: Your Committee on Civil and Criminal Proceedings, to which was referred **HB 281**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(9) be referred to the Select Committee on Judiciary.

Mr. Speaker: Your Committee on Civil and Criminal Proceedings, to which was referred **HB 765**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(9) be referred to the Select Committee on Judiciary.

Mr. Speaker: Your Committee on Civil and Criminal Proceedings, to which was referred **HB 877**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(9) be referred to the Select Committee on Judiciary.

Mr. Speaker: Your Committee on Civil and Criminal Proceedings, to which was referred **HB 1124**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(9) be referred to the Select Committee on Judiciary.

Mr. Speaker: Your Committee on Civil and Criminal Proceedings, to which was referred **SCS SB 109**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(9) be referred to the Select Committee on Judiciary.

### *House Committee Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 109, Page 1, In the Title, Line 3, by deleting the words "the state legal expense fund" and inserting in lieu thereof the words "state departments and agencies"; and

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

**"105.264. 1. As used in this section, the following words shall mean:**

(1) "Administrative leave", time off without charge to any annual or sick leave or loss of pay due to misconduct or investigation of misconduct of an employee;

(2) "Employee", an individual who is employed by a department or division of the state, agency of the state, instrumentality of the state or political subdivision of the state, or school district;

(3) "Employer", any department or division of the state, agency of the state, instrumentality of the state or political subdivision of the state, or any school district.

2. Notwithstanding any provision of law, if an employer places an employee on administrative leave, a hearing shall be held within thirty days from the date the employee was placed on such leave to determine if the employee engaged in the misconduct.

3. Within three days of being placed on administrative leave, an employee shall be advised in writing the specific reason or reasons for being placed on administrative leave."; and

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

Mr. Speaker: Your Committee on Civil and Criminal Proceedings, to which was referred **SB 216**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(9) be referred to the Select Committee on Judiciary.

Mr. Speaker: Your Committee on Civil and Criminal Proceedings, to which was referred **SCS SB 340**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(9) be referred to the Select Committee on Judiciary.

**Committee on Corrections**, Chairman Fitzwater (144) reporting:

Mr. Speaker: Your Committee on Corrections, to which was referred **SB 369**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(9) be referred to the Select Committee on Judiciary.

*House Committee Amendment No. 1*

AMEND Senate Bill No. 369, Page 1, In the Title, Line 2, by inserting immediately after said line the following:

"37.005. 1. Except as provided herein, the office of administration shall be continued as set forth in house bill 384, seventy-sixth general assembly and shall be considered as a department within the meaning used in the Omnibus State Reorganization Act of 1974. The commissioner of administration shall appoint directors of all major divisions within the office of administration.

2. The commissioner of administration shall be a member of the governmental emergency fund committee as ex officio comptroller and the director of the department of revenue shall be a member in place of the director of the division of facilities management, design and construction.

3. The office of administration is designated the "Missouri State Agency for Surplus Property" as required by Public Law 152, eighty-first Congress as amended, and related laws for disposal of surplus federal property. All the powers, duties and functions vested by sections 37.075 and 37.080, and others, are transferred by type I transfer to the office of administration as well as all property and personnel related to the duties. The commissioner shall integrate the program of disposal of federal surplus property with the processes of disposal of state surplus property to provide economical and improved service to state and local agencies of government. The governor shall fix the amount of bond required by section 37.080. All employees transferred shall be covered by the provisions of chapter 36 and the Omnibus State Reorganization Act of 1974.

4. The commissioner of administration shall replace the director of revenue as a member of the board of fund commissioners and assume all duties and responsibilities assigned to the director of revenue by sections 33.300 to 33.540 relating to duties as a member of the board and matters relating to bonds and bond coupons.

5. All the powers, duties and functions of the administrative services section, section 33.580 and others, are transferred by a type I transfer to the office of administration and the administrative services section is abolished.

6. The commissioner of administration shall, in addition to his or her other duties, cause to be prepared a comprehensive plan of the state's field operations, buildings owned or rented and the communications systems of state agencies. Such a plan shall place priority on improved availability of services throughout the state, consolidation of space occupancy and economy in operations.

7. The commissioner of administration shall from time to time examine the space needs of the agencies of state government and space available and shall, with the approval of the board of public buildings, assign and

reassign space in property owned, leased or otherwise controlled by the state. Any other law to the contrary notwithstanding, upon a determination by the commissioner that all or part of any property is in excess of the needs of any state agency, the commissioner may lease such property to a private or government entity. Any revenue received from the lease of such property shall be deposited into the fund or funds from which moneys for rent, operations or purchase have been appropriated. The commissioner shall establish by rule the procedures for leasing excess property.

8. The commissioner of administration is hereby authorized to coordinate and control the acquisition and use of network, telecommunications, and data processing services in the executive branch of state government. For this purpose, the office of administration will have authority to:

(1) Develop and implement a long-range computer facilities plan for the use of network, telecommunications, and data processing services in Missouri state government. Such plan may cover, but is not limited to, operational standards, standards for the establishment, function and management of service centers, coordination of the data processing education, and planning standards for application development and implementation;

(2) Approve all additions and deletions of network, telecommunications, and data processing services hardware, software, and support services, and service centers;

(3) Establish standards for the development of annual data processing application plans for each of the service centers. These standards shall include review of post-implementation audits. These annual plans shall be on file in the office of administration and shall be the basis for equipment approval requests;

(4) Review of all state network, telecommunications, and data processing services applications to assure conformance with the state information systems plan, and the information systems plans of state agencies and service centers;

(5) Establish procurement procedures for network, telecommunications, and data processing services hardware, software, and support service;

(6) Establish a charging system to be used by all service centers when performing work for any agency;

(7) Establish procedures for the receipt of service center charges and payments for operation of the service centers.

The commissioner shall maintain a complete inventory of all state-owned or -leased network, telecommunications, and data processing services equipment, and annually submit a report to the general assembly which shall include starting and ending network, telecommunications, and data processing services costs for the fiscal year previously ended, and the reasons for major increases or variances between starting and ending costs. The commissioner shall also adopt, after public hearing, rules and regulations designed to protect the rights of privacy of the citizens of this state and the confidentiality of information contained in computer tapes or other storage devices to the maximum extent possible consistent with the efficient operation of the office of administration and contracting state agencies.

9. Except as provided in subsection 12 of this section, the fee title to all real property now owned or hereafter acquired by the state of Missouri, or any department, division, commission, board or agency of state government, other than real property owned or possessed by the state highways and transportation commission, conservation commission, state department of natural resources, and the University of Missouri, shall on May 2, 1974, vest in the governor. The governor may not convey or otherwise transfer the title to such real property, unless such conveyance or transfer is first authorized by an act of the general assembly. The provisions of this subsection requiring authorization of a conveyance or transfer by an act of the general assembly shall not, however, apply to the granting or conveyance of an easement **for any purpose to any political subdivision of the state; a rural electric cooperative as defined in chapter 394], municipal corporation, quasi-governmental corporation owning or operating a public utility, or] ; a public utility, except [railroads] a railroad, as defined in chapter 386; or to accommodate utility service, including electrical, gas, steam, water, sewer, telephone, internet, or similar utility service, extended upon or provided to state property or facilities; to accommodate rights of access, ingress and egress on or to any state property or facilities; or to facilitate the construction, location, relocation, or use of any common elements of condominium property if the state is a unit owner within the condominium development.** The governor, with the approval of the board of public buildings, may, upon the request of any state department, agency, board or commission not otherwise being empowered to make its own transfer or conveyance of any land belonging to the state of Missouri which is under the control and custody of such department, agency, board or commission, grant or convey without further legislative action, for such consideration as may be agreed upon, easements across, over, upon or under any such state land to any **political subdivision of the state; a rural electric cooperative, as [governed] defined in chapter 394], municipal corporation, or quasi-governmental corporation owning or operating a public utility, or] ; a public utility, except a railroad, as defined in chapter 386; or to accommodate utility service, including electrical, gas, steam, water, sewer, telephone, internet, or similar utility service, extended upon or provided to state property or facilities; to accommodate rights of access,**

**ingress and egress on or to state property or facilities; or to facilitate the construction, location, relocation, or use of any common elements of condominium property if the state is a unit owner within the condominium development.** The easement shall be for the purpose of promoting the general health, welfare and safety of the public and shall include the right of **access, ingress or egress** for the purpose of constructing, maintaining or removing any **street, roadway, sidewalk, public right-of-way or thoroughfare, pipeline, power line, gas line, water or steam line, telephone line, internet cable, sewer line,** or other similar [public utility] installation or any equipment or appurtenances necessary to the operation thereof[.]; except that a railroad as defined in chapter 386 shall not be included in the provisions of this subsection unless such conveyance or transfer is first authorized by an act of the general assembly. The easement shall be for such consideration as may be agreed upon by the parties and approved by the board of public buildings. The attorney general shall approve the form of the instrument of conveyance. The commissioner of administration shall prepare management plans for such properties in the manner set out in subsection 7 of this section.

10. The commissioner of administration shall administer a revolving "Administrative Trust Fund" which shall be established by the state treasurer which shall be funded annually by appropriation and which shall contain moneys transferred or paid to the office of administration in return for goods and services provided by the office of administration to any governmental entity or to the public. The state treasurer shall be the custodian of the fund, and shall approve disbursements from the fund for the purchase of goods or services at the request of the commissioner of administration or the commissioner's designee. The provisions of section 33.080 notwithstanding, moneys in the fund shall not lapse, unless and then only to the extent to which the unencumbered balance at the close of any fiscal year exceeds one-eighth of the total amount appropriated, paid, or transferred to the fund during such fiscal year, and upon approval of the oversight division of the joint committee on legislative research. The commissioner shall prepare an annual report of all receipts and expenditures from the fund.

11. All the powers, duties and functions of the department of community affairs relating to statewide planning are transferred by type I transfer to the office of administration.

12. The titles which are vested in the governor by or pursuant to this section to real property assigned to any of the educational institutions referred to in section 174.020 on June 15, 1983, are hereby transferred to and vested in the board of regents of the respective educational institutions, and the titles to real property and other interests therein hereafter acquired by or for the use of any such educational institution, notwithstanding provisions of this section, shall vest in the board of regents of the educational institution. The board of regents may not convey or otherwise transfer the title to or other interest in such real property unless the conveyance or transfer is first authorized by an act of the general assembly, except as provided in section 174.042, and except that the board of regents may grant easements over, in and under such real property without further legislative action.

13. Notwithstanding any provision of subsection 12 of this section to the contrary, the board of governors of Missouri Western State University, University of Central Missouri, Missouri State University, or Missouri Southern State University, or the board of regents of Southeast Missouri State University, Northwest Missouri State University, or Harris-Stowe State University, or the board of curators of Lincoln University may convey or otherwise transfer for fair market value, except in fee simple, the title to or other interest in such real property without authorization by an act of the general assembly.

14. All county sports complex authorities, and any sports complex authority located in a city not within a county, in existence on August 13, 1986, and organized under the provisions of sections 64.920 to 64.950, are assigned to the office of administration, but such authorities shall not be subject to the provisions of subdivision (4) of subsection 6 of section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, RSMo, as amended.

15. All powers, duties, and functions vested in the administrative hearing commission, sections 621.015 to 621.205 and others, are transferred to the office of administration by a type III transfer."; and

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

#### **Committee on Elementary and Secondary Education, Chairman Swan reporting:**

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 1018**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(5) be referred to the Select Committee on Education.

*House Committee Amendment No. 1*

AMEND House Bill No. 1018, Page 2, Section 171.032, Line 1, by deleting all of said line and inserting in lieu thereof the following:

**"171.032. 1. Notwithstanding any other provision of law, beginning in school year"; and**

Further amend said bill, page, and section, Line 6, by inserting immediately after all of said line the following:

**"2. This section shall not apply to school buildings undergoing construction or renovation projects with estimated expenditures of one hundred thousand dollars or more or such projects taking ten or more days to complete.**

**3. The department of elementary and secondary education 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, 2015, shall be invalid and void."; and**

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

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 1132**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(5) be referred to the Select Committee on Education.

**Committee on Emerging Issues, Chairman Haahr reporting:**

Mr. Speaker: Your Committee on Emerging Issues, to which was referred **SB 214**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(7) be referred to the Select Committee on General Laws.

*House Committee Amendment No. 1*

AMEND Senate Bill No. 214, Page 1, In the Title, Line 3, by deleting the phrase "liens on chattel" and inserting in lieu thereof "emerging issues"; and

Further amend said bill and page, Section 430.135, Line 6, by inserting after all of said line the following:

**"Section 1. 1. As used in this section, the term "scrap metal" shall mean a metal containing brass, copper, copper alloy, aluminum, stainless steel, magnesium, or another metal traded on commodity markets that sell for fifty cents per pound or greater. The term shall not include precious metals such as gold, silver, or platinum.**

**2. The "Joint Legislative Task Force on Scrap Metal Salvage Dealers" is hereby created to study statutes and regulations concerning scrap metal and salvage materials, disparities in or needs for modification to existing statutes or regulations concerning scrap metal, and ways in which existing statutes or regulations may be improved to reduce the theft and sale of materials as scrap metal.**

**3. The task force shall consist of the following members:**

- (1) One member of the general assembly appointed by the president pro tem of the senate;**
- (2) One member of the general assembly appointed by the minority floor leader of the senate;**
- (3) One member of the general assembly appointed by the speaker of the house of representatives;**

and

(4) **One member of the general assembly appointed by the minority leader of the house of representatives.**

**4. Members of the task force shall serve without compensation and shall compile a report of their findings for delivery to the governor, the president pro tem of the senate, and the speaker of the house of representatives no later than December 31, 2015.";** and

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

**Committee on Energy and the Environment**, Chairman Miller reporting:

Mr. Speaker: Your Committee on Energy and the Environment, to which was referred **HCR 50**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(14) be referred to the Select Committee on Utilities.

Mr. Speaker: Your Committee on Energy and the Environment, to which was referred **SS#3 SCS SB 142**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(14) be referred to the Select Committee on Utilities.

**Committee on Health Insurance**, Chairman Hansen reporting:

Mr. Speaker: Your Committee on Health Insurance, to which was referred **SS SCS SB 145**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(8) be referred to the Select Committee on Insurance.

**Committee on Ways and Means**, Chairman Koenig reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SCR 29**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(6) be referred to the Select Committee on Financial Institutions and Taxation.

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SCS SB 18**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1 to House Committee Amendment No. 1, House Committee Amendment No. 1 as amended, House Committee Amendment No. 2**, and pursuant to Rule 27(6) be referred to the Select Committee on Financial Institutions and Taxation.

*House Committee Amendment No. 1*  
*to*  
*House Committee Amendment No. 1*

AMEND House Committee Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 18, Page 2, Lines 22-40, by deleting all of said lines from the amendment; and

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

*House Committee Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 18, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the following words, "to sales tax"; and

Further amend said bill, Page 2, Section 144.021, Line 41, by inserting after all of said section and line the following:

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

(1) "Clothing", any article of wearing apparel, including footwear, intended to be worn on or about the human body. The term shall include but not be limited to cloth and other material used to make school uniforms or other school clothing. Items normally sold in pairs shall not be separated to qualify for the exemption. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt buckles; and

(2) "Personal computers", a laptop, desktop, or tower computer system which consists of a central processing unit, random access memory, a storage drive, a display monitor, and a keyboard and devices designed for use in conjunction with a personal computer, such as a disk drive, memory module, compact disk drive, daughterboard, [digitalizer] **digitizer**, microphone, modem, motherboard, mouse, multimedia speaker, printer, scanner, single-user hardware, single-user operating system, soundcard, or video card;

(3) "School supplies", any item normally used by students in a standard classroom for educational purposes, including but not limited to textbooks, notebooks, paper, writing instruments, crayons, art supplies, rulers, book bags, backpacks, handheld calculators, chalk, maps, and globes. The term shall not include watches, radios, CD players, headphones, sporting equipment, portable or desktop telephones, copiers or other office equipment, furniture, or fixtures. School supplies shall also include computer software having a taxable value of three hundred fifty dollars or less **and any graphing calculator having a taxable value of one hundred fifty dollars or less.**

2. In each year beginning on or after January 1, 2005, there is hereby specifically exempted from state sales tax law all retail sales of any article of clothing having a taxable value of one hundred dollars or less, all retail sales of school supplies not to exceed fifty dollars per purchase, all computer software with a taxable value of three hundred fifty dollars or less, **all graphing calculators having a taxable value of one hundred fifty dollars or less**, and all retail sales of personal computers or computer peripheral devices not to exceed [three] **one** thousand five hundred dollars, during a three-day period beginning at 12:01 a.m. on the first Friday in August and ending at midnight on the Sunday following.

3. If the governing body of any political subdivision adopted an ordinance that applied to the 2004 sales tax holiday to prohibit the provisions of this section from allowing the sales tax holiday to apply to such political subdivision's local sales tax, then, notwithstanding any provision of a local ordinance to the contrary, the 2005 sales tax holiday shall not apply to such political subdivision's local sales tax. However, any such political subdivision may enact an ordinance to allow the 2005 sales tax holiday to apply to its local sales taxes. A political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

4. This section shall not apply to any sales which take place within the Missouri state fairgrounds.

5. This section applies to sales of items bought for personal use only.

6. After the 2005 sales tax holiday, any political subdivision may, by adopting an ordinance or order, choose to prohibit future annual sales tax holidays from applying to its local sales tax. After opting out, the political subdivision may rescind the ordinance or order. The political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

7. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.

144.526. 1. This section shall be known and may be cited as the "Show Me Green Sales Tax Holiday".

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

(1) "Appliance", clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators and freezers; and

(2) "Energy star certified", any appliance approved by both the United States Environmental Protection Agency and the United States Department of Energy as eligible to display the energy star label, as amended from time to time.

3. In each year beginning on or after January 1, 2009, there is hereby specifically exempted from state sales tax law all retail sales of any energy star certified new appliance, up to [one] **two** thousand [five hundred] dollars per appliance, during a seven-day period beginning at 12:01 a.m. on April nineteenth and ending at midnight on April twenty-fifth.

4. A political subdivision may allow the sales tax holiday under this section to apply to its local sales taxes by enacting an ordinance to that effect. Any such political subdivision shall notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any such ordinance or order.

5. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.

205.205. 1. The governing body of any hospital district established under sections 205.160 to 205.379 in any county of the third classification without a township form of government and with more than ten thousand six hundred but fewer than ten thousand seven hundred inhabitants, [or] any county of the third classification without a township form of government and with more than eleven thousand seven hundred fifty but fewer than eleven thousand eight hundred fifty inhabitants, **or any county of the third classification with a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat** may, by resolution, abolish the property tax authorized in such district under this chapter and impose a sales tax on all retail sales made within the district which are subject to sales tax under chapter 144 and all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only as provided under section 144.032. The tax authorized in this section shall be not more than one percent, and shall be imposed solely for the purpose of funding the hospital district. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such resolution adopted under this section shall become effective unless the governing body of the hospital district submits to the voters residing within the district at a state general, primary, or special election a proposal to authorize the governing body of the district to impose a tax under this section. 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 after the director of revenue receives notification of adoption of the local sales tax. 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 and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section by the director of the department of revenue on behalf of the hospital district, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Hospital District Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such district. Any funds in the special fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any hospital district that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the district. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that 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 sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any hospital district that has adopted the sales tax authorized in this section 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 voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body 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 qualified 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 sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the hospital district shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to



the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director shall remit the balance in the account to the district and close the account of that district. The director shall notify each district of each instance of any amount refunded or any check redeemed from receipts due the district."; and

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

*House Committee Amendment No. 2*

AMEND Senate Committee Substitute for Senate Bill No. 18, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the words, "to sales tax"; and

Further amend said bill, Page 2, Section 144.021, Line 41, by inserting after all of said section and line the following:

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

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

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

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

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

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

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SB 20**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1 to House Committee Amendment No. 1, House Committee Amendment No. 1, as amended, House Committee Amendment No. 2**, and pursuant to Rule 27(6) be referred to the Select Committee on Financial Institutions and Taxation.

*House Committee Amendment No. 1*  
to  
*House Committee Amendment No. 1*

AMEND House Committee Amendment No. 1 to Senate Bill No. 20, Page 2, Lines 25-41, and Page 3, Lines 1-3, by deleting all of said lines from the amendment and inserting in lieu thereof the following:

""205.205. 1. The governing body of any hospital district established under sections 205.160"; and

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

*House Committee Amendment No. 1*

AMEND Senate Bill No. 20, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the following words, "to sales tax"; and

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

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

(1) "Clothing", any article of wearing apparel, including footwear, intended to be worn on or about the human body. The term shall include but not be limited to cloth and other material used to make school uniforms or other school clothing. Items normally sold in pairs shall not be separated to qualify for the exemption. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt buckles; and

(2) "Personal computers", a laptop, desktop, or tower computer system which consists of a central processing unit, random access memory, a storage drive, a display monitor, and a keyboard and devices designed for use in conjunction with a personal computer, such as a disk drive, memory module, compact disk drive, daughterboard, [digitalizer] **digitizer**, microphone, modem, motherboard, mouse, multimedia speaker, printer, scanner, single-user hardware, single-user operating system, soundcard, or video card;

(3) "School supplies", any item normally used by students in a standard classroom for educational purposes, including but not limited to textbooks, notebooks, paper, writing instruments, crayons, art supplies, rulers, book bags, backpacks, handheld calculators, chalk, maps, and globes. The term shall not include watches, radios, CD players, headphones, sporting equipment, portable or desktop telephones, copiers or other office equipment, furniture, or fixtures. School supplies shall also include computer software having a taxable value of three hundred fifty dollars or less **and any graphing calculator having a taxable value of one hundred fifty dollars or less.**

2. In each year beginning on or after January 1, 2005, there is hereby specifically exempted from state sales tax law all retail sales of any article of clothing having a taxable value of one hundred dollars or less, all retail sales of school supplies not to exceed fifty dollars per purchase, all computer software with a taxable value of three hundred fifty dollars or less, **all graphing calculators having a taxable value of one hundred fifty dollars or less**, and all retail sales of personal computers or computer peripheral devices not to exceed [three] **one** thousand five hundred dollars, during a three-day period beginning at 12:01 a.m. on the first Friday in August and ending at midnight on the Sunday following.

3. If the governing body of any political subdivision adopted an ordinance that applied to the 2004 sales tax holiday to prohibit the provisions of this section from allowing the sales tax holiday to apply to such political subdivision's local sales tax, then, notwithstanding any provision of a local ordinance to the contrary, the 2005 sales tax holiday shall not apply to such political subdivision's local sales tax. However, any such political subdivision may enact an ordinance to allow the 2005 sales tax holiday to apply to its local sales taxes. A political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

4. This section shall not apply to any sales which take place within the Missouri state fairgrounds.

5. This section applies to sales of items bought for personal use only.

6. After the 2005 sales tax holiday, any political subdivision may, by adopting an ordinance or order, choose to prohibit future annual sales tax holidays from applying to its local sales tax. After opting out, the political subdivision may rescind the ordinance or order. The political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

7. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday."; and

Further amend said bill, Page 3, Section 144.054, Line 63, by inserting after all of said section and line the following:

"144.526. 1. This section shall be known and may be cited as the "Show Me Green Sales Tax Holiday".

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

(1) "Appliance", clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators and freezers; and

(2) "Energy star certified", any appliance approved by both the United States Environmental Protection Agency and the United States Department of Energy as eligible to display the energy star label, as amended from time to time.

3. In each year beginning on or after January 1, 2009, there is hereby specifically exempted from state sales tax law all retail sales of any energy star certified new appliance, up to [one] ~~two~~ thousand [five hundred] dollars per appliance, during a seven-day period beginning at 12:01 a.m. on April nineteenth and ending at midnight on April twenty-fifth.

4. A political subdivision may allow the sales tax holiday under this section to apply to its local sales taxes by enacting an ordinance to that effect. Any such political subdivision shall notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any such ordinance or order.

5. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.

205.205. 1. The governing body of any hospital district established under sections 205.160 to 205.379 in any county of the third classification without a township form of government and with more than ten thousand six hundred but fewer than ten thousand seven hundred inhabitants, [or] any county of the third classification without a township form of government and with more than eleven thousand seven hundred fifty but fewer than eleven thousand eight hundred fifty inhabitants, **or any county of the third classification with a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat** may, by resolution, abolish the property tax authorized in such district under this chapter and impose a sales tax on all retail sales made within the district which are subject to sales tax under chapter 144 and all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only as provided under section 144.032. The tax authorized in this section shall be not more than one percent, and shall be imposed solely for the purpose of funding the hospital district. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such resolution adopted under this section shall become effective unless the governing body of the hospital district submits to the voters residing within the district at a state general, primary, or special election a proposal to authorize the governing body of the district to impose a tax under this section. 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 after the director of revenue receives notification of adoption of the local sales tax. 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 and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section by the director of the department of revenue on behalf of the hospital district, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Hospital District Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such district. Any funds in the special fund which are

not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any hospital district that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the district. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that 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 sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any hospital district that has adopted the sales tax authorized in this section 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 voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body 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 qualified 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 sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the hospital district shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director shall remit the balance in the account to the district and close the account of that district. The director shall notify each district of each instance of any amount refunded or any check redeemed from receipts due the district."; and

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

*House Committee Amendment No. 2*

AMEND Senate Bill No. 20, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the following words, "to sales tax"; and

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

"66.620. 1. All county sales taxes collected by the director of revenue under sections 66.600 to 66.630 on behalf of any county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "County Sales Tax Trust Fund". The moneys in the county sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a county sales tax, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the [county] treasurer of the county and all expenditures of funds arising from the county sales tax trust fund shall be by an appropriation act to be enacted by the legislative council of the county, and to the cities, towns and villages located wholly or partly within the county which levied the tax in the manner as set forth in sections 66.600 to 66.630.

2. In any county not adopting an additional sales tax and alternate distribution system as provided in section 67.581, for the purposes of distributing the county sales tax, the county shall be divided into two groups, "Group A" and "Group B". Group A shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which had a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day prior to the adoption of the county sales tax ordinance, except that beginning January 1, 1980, group A shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which had a city sales tax approved by the voters of such city under the provisions of

sections 94.500 to 94.550 on the day prior to the effective date of the county sales tax. For the purposes of determining the location of consummation of sales for distribution of funds to cities, towns and villages in group A, the boundaries of any such city, town or village shall be the boundary of that city, town or village as it existed on March 19, 1984. Group B shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which did not have a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day prior to the adoption of the county sales tax ordinance, and shall also include all unincorporated areas of the county which levied the tax; except that, beginning January 1, 1980, group B shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which did not have a city sales tax approved by the voters of such city under the provisions of sections 94.500 to 94.550 on the day prior to the effective date of the county sales tax and shall also include all unincorporated areas of the county which levied the tax.

3. Until January 1, 1994, the director of revenue shall distribute to the cities, towns and villages in group A the taxes based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087. Except for distribution governed by section 66.630, after deducting the distribution to the cities, towns and villages in group A, the director of revenue shall distribute the remaining funds in the county sales tax trust fund to the cities, towns and villages and the county in group B as follows: To the county which levied the tax, a percentage of the distributable revenue equal to the percentage ratio that the population of the unincorporated areas of the county bears to the total population of group B; and to each city, town or village in group B located wholly within the taxing county, a percentage of the distributable revenue equal to the percentage ratio that the population of such city, town or village bears to the total population of group B; and to each city, town or village located partly within the taxing county, a percentage of the distributable revenue equal to the percentage ratio that the population of that part of the city, town or village located within the taxing county bears to the total population of group B.

4. From [and after] January 1, 1994, **until December 31, 2015**, the director of revenue shall distribute to the cities, towns and villages in group A a portion of the taxes based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087 in accordance with the formula described in this subsection. After deducting the distribution to the cities, towns and villages in group A, the director of revenue shall distribute funds in the county sales tax trust fund to the cities, towns and villages and the county in group B as follows: To the county which levied the tax, ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated since April 1, 1993, multiplied by the total of all sales tax revenues countywide, and a percentage of the remaining distributable revenue equal to the percentage ratio that the population of unincorporated areas of the county bears to the total population of group B; and to each city, town or village in group B located wholly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of such city, town or village bears to the total population of group B; and to each city, town or village located partly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of that part of the city, town or village located within the taxing county bears to the total population of group B.

5. **(1) From and after January 1, 2016, the director of revenue shall distribute to the cities, towns, and villages in group A a portion of the taxes based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087, in accordance with the formula described in this subsection. After deducting the distribution to the cities, towns, and villages in group A, the director of revenue shall distribute funds in the county sales tax trust fund to the cities, towns, and villages, and the county in group B as follows: to the county which levied the tax, ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated since April 1, 1993, multiplied by the total of all sales tax revenues countywide, and a percentage of the remaining distributable revenue equal to the percentage ratio that the population of unincorporated areas of the county bears to the total population of group B as adjusted such that no city, town, or village in group B shall receive a distribution that is less than fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087; and to each city, town, or village in group B located wholly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of such city, town, or village bears to the total population of group B, as adjusted such that no city, town, or village in group B shall receive a distribution that is less than fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087; and to each city, town, or village located partly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of that part of the city, town, or village located within the taxing county bears to the total population of group B, as**

adjusted such that no city, town, or village in group B shall receive a distribution that is less than fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087.

(2) For purposes of making any adjustment required by this subsection, the director of revenue shall, prior to any distribution to the county or to each city, town, or village in group B located wholly or partly within the taxing county, identify each city, town, or village in group B located wholly or partly within the taxing county that would receive a distribution that is less than fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087 if no adjustment were made and calculate the difference between the amount that the distribution to each such city, town, or village would have been without any adjustment and the amount that equals fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087. The director of revenue shall then deduct the amount of such difference from the remaining distributable revenue and distribute the amount of such difference to each such city, town, or village that would otherwise have received a distribution that is less than fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087 if no adjustment were made. Thereafter, the director of revenue shall distribute the remaining distributable revenue, as adjusted, to the county and to each city, town, or village in group B located wholly or partly within the taxing county in the manner provided in this subsection.

(3) For purposes of this subsection, if a city, town, or village is partly in group A and partly in group B, the director of revenue shall calculate fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087 by multiplying fifty percent by the amount of all county sales taxes collected by the director of revenue under sections 66.600 to 66.630, less one percent for cost of collection, that are generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087, regardless of whether such taxes are deemed consummated in group A or group B.

6. (1) For purposes of administering the distribution formula of [subsection] **subsections 4 and 5** of this section, the revenues arising each year from sales occurring within each group A city, town or village shall be distributed as follows: Until such revenues reach the adjusted county average, as hereinafter defined, there shall be distributed to the city, town or village all of such revenues reduced by the percentage which is equal to ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993; and once revenues exceed the adjusted county average, total revenues shall be shared in accordance with the redistribution formula as defined in this subsection.

(2) For purposes of this subsection, the "adjusted county average" is the per capita countywide average of all sales tax distributions during the prior calendar year reduced by the percentage which is equal to ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993; the "redistribution formula" is as follows: During 1994, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of 8.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. During 1995, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of seventeen multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. From January 1, 1996, until January 1, 2000, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of 25.5 multiplied by the logarithm

(to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. From and after January 1, 2000, the distribution formula covering the period from January 1, 1996, until January 1, 2000, shall continue to apply, except that the percentage computed for sales arising within the municipalities shall be not less than 7.5 percent for municipalities within which sales tax revenues exceed the adjusted county average, nor less than 12.5 percent for municipalities within which sales tax revenues exceed the adjusted county average by at least twenty-five percent.

(3) For purposes of applying the redistribution formula to a municipality which is partly within the county levying the tax, the distribution shall be calculated alternately for the municipality as a whole, except that the factor for annexed portion of the county shall not be applied to the portion of the municipality which is not within the county levying the tax, and for the portion of the municipality within the county levying the tax. Whichever calculation results in the larger distribution to the municipality shall be used.

(4) Notwithstanding any other provision of this section, the fifty percent of additional sales taxes as described in section 99.845 arising from economic activities within the area of a redevelopment project established after July 12, 1990, pursuant to sections 99.800 to 99.865, while tax increment financing remains in effect shall be deducted from all calculations of countywide sales taxes, shall be distributed directly to the municipality involved, and shall be disregarded in calculating the amounts distributed or distributable to the municipality. Further, any 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 incremental sales tax revenues to the special allocation fund of a tax increment financing project while tax increment financing remains in effect shall continue to be in full force and effect and the sales taxes so appropriated shall be deducted from all calculations of countywide sales taxes, shall be distributed directly to the municipality involved, and shall be disregarded in calculating the amounts distributed or distributable to the municipality. In addition, and notwithstanding any other provision of this chapter to the contrary, economic development funds shall be distributed in full to the municipality in which the sales producing them were deemed consummated. Additionally, economic development funds shall be deducted from all calculations of countywide sales taxes and shall be disregarded in calculating the amounts distributed or distributable to the municipality. As used in this subdivision, the term "economic development funds" means the amount of sales tax revenue generated in any fiscal year by projects authorized pursuant to chapter 99 or chapter 100 in connection with which such sales tax revenue was pledged as security for, or was guaranteed by a developer to be sufficient to pay, outstanding obligations under any agreement authorized by chapter 100, entered into or adopted prior to September 1, 1993, between a municipality and another public body. The cumulative amount of economic development funds allowed under this provision shall not exceed the total amount necessary to amortize the obligations involved.

[6.] 7. If the qualified voters of any city, town or village vote to change or alter its boundaries by annexing any unincorporated territory included in group B or if the qualified voters of one or more city, town or village in group A and the qualified voters of one or more city, town or village in group B vote to consolidate, the area annexed or the area consolidated which had been a part of group B shall remain a part of group B after annexation or consolidation. After the effective date of the annexation or consolidation, the annexing or consolidated city, town or village shall receive a percentage of the group B distributable revenue equal to the percentage ratio that the population of the annexed or consolidated area bears to the total population of group B and such annexed area shall not be classified as unincorporated area for determination of the percentage allocable to the county. If the qualified voters of any two or more cities, towns or villages in group A each vote to consolidate such cities, towns or villages, then such consolidated cities, towns or villages shall remain a part of group A. For the purpose of sections 66.600 to 66.630, population shall be as determined by the last federal decennial census or the latest census that determines the total population of the county and all political subdivisions therein. For the purpose of calculating the adjustment based on the percentage of unincorporated county population which is annexed after April 1, 1993, the accumulated percentage immediately before each census shall be used as the new percentage base after such census. After any annexation, incorporation or other municipal boundary change affecting the unincorporated area of the county, the chief elected official of the county shall certify the new population of the unincorporated area of the county and the percentage of the population which has been annexed or incorporated since April 1, 1993, to the director of revenue. After the adoption of the county sales tax ordinance, any city, town or village in group A may by adoption of an ordinance by its governing body cease to be a part of group A and become a part of group B. Within ten days after the adoption of the ordinance transferring the city, town or village from one group to the other, the clerk of the transferring city, town or village shall forward to the director of revenue, by registered mail, a certified copy of the ordinance. Distribution to such city as a part of its former group shall cease and as a part of its new group shall begin on the first day of January of the year following notification to the director of revenue, provided such notification is received by the director of revenue on or before the first day of July of the year in which the transferring ordinance is adopted. If such notification is received by the director of revenue after the first day of July of the year in which the transferring ordinance is adopted, then distribution to such city as a part of its former group

shall cease and as a part of its new group shall begin the first day of July of the year following such notification to the director of revenue. Once a group A city, town or village becomes a part of group B, such city may not transfer back to group A.

[7.] 8. If any city, town or village shall hereafter change or alter its boundaries, the city clerk of the municipality shall forward to the director of revenue, by registered mail, a certified copy of the ordinance adding or detaching territory from the municipality. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the municipality clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 66.600 to 66.630 shall be redistributed and allocated in accordance with the provisions of this section on the effective date of the change of the municipal boundary so that the proper percentage of group B distributable revenue is allocated to the municipality in proportion to any annexed territory. If any area of the unincorporated county elects to incorporate subsequent to the effective date of the county sales tax as set forth in sections 66.600 to 66.630, the newly incorporated municipality shall remain a part of group B. The city clerk of such newly incorporated municipality shall forward to the director of revenue, by registered mail, a certified copy of the incorporation election returns and a map of the municipality clearly showing the boundaries thereof. The certified copy of the incorporation election returns shall reflect the effective date of the incorporation. Upon receipt of the incorporation election returns and map, the tax imposed by sections 66.600 to 66.630 shall be distributed and allocated in accordance with the provisions of this section on the effective date of the incorporation.

[8.] 9. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

[9.] 10. Except as modified in sections 66.600 to 66.630, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under sections 66.600 to 66.630."; and

Further amend said bill, Page 3, Section 144.054, Line 63, by inserting after all of said section and line the following:

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

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

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

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



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

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

**Select Committee on Budget**, Chairman Flanigan reporting:

Mr. Speaker: Your Select Committee on Budget, to which was referred **HB 17**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**.

Mr. Speaker: Your Select Committee on Budget, to which was referred **HB 18**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**.

Mr. Speaker: Your Select Committee on Budget, to which was referred **HB 19**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**.

**Select Committee on Insurance**, Chairman Gosen reporting:

Mr. Speaker: Your Select Committee on Insurance, to which was referred **HB 1197**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Select Committee on Labor and Industrial Relations**, Chairman Rehder reporting:

Mr. Speaker: Your Select Committee on Labor and Industrial Relations, to which was referred **HB 126**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 111**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 501**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 524**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 587**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 531**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 SCS SB 199, 417 & 42** entitled:

An act to repeal section 563.046 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 563.046 as enacted by senate bill no. 60, seventy-ninth general assembly, first regular session, RSMo, and to enact in lieu thereof two new sections relating to actions committed by government officials, with an emergency clause for a certain section and an effective date for a certain section.

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 **SB 200** entitled:

An act to repeal sections 565.020, 565.030, 565.032, and 565.040, RSMo, section 556.061 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session, and section 556.061 as enacted by house bill no. 215 merged with house bill no. 505, ninety-seventh general assembly, first regular session, and to enact in lieu thereof seven new sections relating to first degree murder, with penalty provisions, an emergency clause for certain sections and an effective date for certain sections.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 364** entitled:

An act to amend chapter 137, RSMo, by adding thereto one new section relating to assessment in newly created political subdivisions.

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 SB 373** entitled:

An act to repeal section 311.730, RSMo, and to enact in lieu thereof two new sections relating to the establishment of the division of alcohol and tobacco control fund.

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 **SB 377** entitled:

An act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to sales and use tax exemptions for aircraft.

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 **SB 392** entitled:

An act to repeal section 378.633, RSMo, and to enact in lieu thereof one new section relating to fraternal benefit society agents.

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 **SB 463** entitled:

An act to repeal sections 135.1150 and 135.1180, RSMo, and to enact in lieu thereof two new sections relating to benevolent tax credits.

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 **SB 497** entitled:

An act to repeal sections 67.950, 67.955, 393.015, and 644.145, RSMo, and to enact in lieu thereof five new sections relating to special purpose districts.

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 **SB 533**, entitled:

An act to repeal section 210.003, RSMo, and to enact in lieu thereof one new section relating to immunizations of children.

In which the concurrence of the House is respectfully requested.

## **ADJOURNMENT**

On motion of Representative Richardson, the House adjourned until 10:00 a.m., Thursday, April 30, 2015.

## **COMMITTEE HEARINGS**

### **AGRICULTURE POLICY**

Wednesday, May 6, 2015, 12:00 PM, House Hearing Room 3.

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

This is a joint meeting of the Select Committee on Agriculture, the Regular Standing Committee on Agriculture Policy, the Regular Standing Committee on Conservation and Natural Resources, and the Agriculture, Conservation and National Resources Appropriations Committee. Presentations will be made to two former Representatives (Loehner and Guernsey). Dept of Agriculture director, Richard Fordyce; Dr. Scott Brown with the University of Missouri Agriculture; Presentation from Farm Credit Services.

APPROPRIATIONS - AGRICULTURE, CONSERVATION, AND NATURAL RESOURCES

Wednesday, May 6, 2015, 12:00 PM, House Hearing Room 3.

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

This is a joint meeting of the Agriculture, Conservation and Natural Resources Appropriations Committee, the Select Committee on Agriculture, the Regular Standing Committee on Agriculture Policy, the Regular Standing Committee on Conservation and Natural Resources Committee. Presentations will be made to two former Representatives (Loehner and Guernsey). Dept. of Agriculture Director, Richard Fordyce; Dr. Scott Brown with the University of Missouri Agriculture; Presentation from Farm Credit Services.

BANKING

Monday, May 4, 2015, 1:30 PM, House Hearing Room 6.

Public hearing will be held: SB 488

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

CHILDREN AND FAMILIES

Thursday, April 30, 2015, 9:00 AM, North Gallery.

Public hearing will be held: SS SCS SB 354

Executive session will be held: SS SCS SB 354, HB 81

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

CIVIL AND CRIMINAL PROCEEDINGS

Thursday, April 30, 2015, 9:30 AM, House Hearing Room 7.

Executive session will be held: SCS SB 321

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

CONFERENCE COMMITTEE ON SCS HCS HB 42

Thursday, April 30, 2015, 9:00 AM, House Hearing Room 5.

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

Conference committee hearing on SCS HCS HB 42.

CORRECTED

CONSERVATION AND NATURAL RESOURCES

Wednesday, May 6, 2015, 12:00 PM, House Hearing Room 3.

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

This is a joint of the Select Committee on Agriculture, the Regular Standing Committee on Agriculture Policy, the Regular Standing Committee on Conservation and Natural resources, and the Agriculture, Conservation, and Natural Resources Appropriations Committee. Presentation will be made to former Representatives (Loehner and Guernsey). Dept. of Agriculture director, Richard Fordyce; Dr. Scott Brown with the University of Missouri; Presentation from Farm Credit Services.

ECONOMIC DEVELOPMENT AND BUSINESS ATTRACTION AND RETENTION

Thursday, April 30, 2015, 9:00 AM, House Hearing Room 3.

Public hearing will be held: SS SB 314

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

FISCAL REVIEW

Thursday, April 30, 2015, 9:15 AM, South Gallery.  
Executive session may be held on any matter referred to the committee.

HIGHER EDUCATION

Tuesday, May 5, 2015, 8:00 AM, House Hearing Room 6.  
Public hearing will be held: SCS SB 93, SS SB 366  
Executive session will be held: HB 653  
Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON EDUCATION

Monday, May 11, 2015, 1:00 PM, Senate Committee Room 1.  
Executive session may be held on any matter referred to the committee.  
Agenda: Election of chair and vice chair. Consideration of interim inquires/projects.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Tuesday, May 5, 2015, 8:00 AM, House Hearing Room 4.  
Executive session may be held on any matter referred to the committee.  
2<sup>nd</sup> Quarter Meeting  
Portions of the meeting may be closed pursuant to Section 610.021, RSMo.

SELECT COMMITTEE ON AGRICULTURE

Thursday, April 30, 2015, 8:30 AM, South Gallery.  
Executive session will be held: HCR 47, SCR 10, SS SCR 25, SCS SCR 30, SCR 31, SB 500  
Executive session may be held on any matter referred to the committee.

SELECT COMMITTEE ON AGRICULTURE

Thursday, April 30, 2015, 1:15 PM, House Hearing Room 6.  
Executive session will be held: SCS SB 131  
Executive session may be held on any matter referred to the committee.

SELECT COMMITTEE ON AGRICULTURE

Wednesday, May 6, 2015, 12:00 PM, House Hearing Room 3.  
Executive session may be held on any matter referred to the committee.  
This is a joint meeting of the Select Committee on Agriculture, the Regular Standing Committee on Agriculture Policy, the Regular Standing Committee on Conservation and Natural Resources, and the Agriculture, Conservation and National Resources Appropriations Committee. Presentations will be made to two former Representatives (Loehner and Guernsey). Dept of Agriculture director, Richard Fordyce; Dr. Scott Brown with the University of Missouri Agriculture; Presentation from Farm Credit Services.

SELECT COMMITTEE ON BUDGET

Thursday, April 30, 2015, Upon Adjournment, House Hearing Room 3.  
Executive session will be held: HB 17, HB 18, HB 19, SS SB 330  
Executive session may be held on any matter referred to the committee.  
Executive Session if needed.

CANCELLED

**SELECT COMMITTEE ON COMMERCE**

Thursday, April 30, 2015, Upon Adjournment, South Gallery.

Executive session will be held: HB 528

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

**SELECT COMMITTEE ON EDUCATION**

Thursday, April 30, 2015, 8:00 AM, House Hearing Room 5.

Executive session will be held: SB 334, SCS SB 328, HB 991, HJR 6, HB 1083

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

**SELECT COMMITTEE ON INSURANCE**

Thursday, April 30, 2015, 8:00 AM, House Hearing Room 4.

Executive session will be held: SS SCS SBs 63 & 111, SB 205

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

AMENDED

**SELECT COMMITTEE ON SOCIAL SERVICES**

Thursday, April 30, 2015, Upon Conclusion of Morning Session, House Hearing Room 7.

Executive session will be held: SCS SB 230, HB 1090

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

**SELECT COMMITTEE ON STATE AND LOCAL GOVERNMENTS**

Thursday, April 30, 2015, 8:00 AM, House Hearing Room 1.

Executive session will be held: SCS SB 326, SCS SB 539, SB 474, SB 561, SCS SB 190

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

**SELECT COMMITTEE ON UTILITIES**

Thursday, April 30, 2015, 8:30 AM, House Hearing Room 6.

Executive session will be held: HB 756

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

**HOUSE CALENDAR**

SIXTY-FIRST DAY, THURSDAY, APRIL 30, 2015

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HJR 9 - Burlison

HJR 4 - Haahr

**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

HCS HB 17 - Flanigan

HCS HB 18 - Flanigan

HCS HB 19 - Flanigan

**HOUSE BILLS FOR PERFECTION**

HCS HB 138 - Reiboldt  
HCS HB 181 - Haahr  
HCS HB 497 - Austin  
HCS HB 203 - Curtman  
HB 793 - Rizzo  
HCS HB 321 - Jones  
HCS HB 339 - McGaugh  
HCS HB 550 - Wood  
HCS HB 655 - Love  
HB 676 - Rowden  
HCS HB 965 - Allen  
HCS HB 356 - Jones  
HCS HB 624 - Franklin  
HCS HB 654 - Allen  
HCS HB 770 - Jones  
HCS HB 461 - Bahr  
HCS HB 520 - Hicks  
HCS HB 540 - Johnson  
HB 739 - McCann Beatty  
HCS HB 955 - Ross  
HCS HB 547 - Allen  
HB 981 - Rowden  
HCS HB 67 - Dugger  
HB 702 - Higdon  
HB 761 - Jones  
HB 892 - Shumake  
HCS HB 1091 - Phillips  
HB 464 - Rowden  
HCS HB 760 - Flanigan  
HCS HB 803 - Swan  
HCS HB 921 - Burlison  
HCS HB 1003 - Hummel  
HB 1313 - Rowden  
HB 1324, HCA 1 - Rowden  
HCS HB 956, as amended - Fraker  
HCS HB 165 - Gosen  
HCS HB 697 - Corlew  
HCS HB 1074 - Lant  
HCS HB 1254 - Lichtenegger  
HCS HBs 159 & 570 - Rehder  
HB 195 - Love  
HB 253 - Berry  
HB 257 - Dugger  
HB 285 - White  
HB 1005 - Berry  
HCS HB 1040 - Jones

2258 *Journal of the House*

HCS HB 1067 - Koenig  
HCS HB 978 - Dogan  
HCS HB 1357 - Corlew  
HCS HB 657, HA 1, pending - Phillips  
HCS HB 1006 - Cross  
HB 1096 - Houghton  
HCS HB 1042 - Korman  
HCS HB 1331 - Parkinson

### **HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCR 35 - Reiboldt

### **HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HCS HJR 41, (Fiscal Review 4/29/15) - Jones

### **HOUSE BILLS FOR THIRD READING**

HB 582 - Curtis  
HCS HB 513 - McCaherty  
HB 928 - Corlew  
HB 411 - Kelley  
HCS HB 781 - Gosen  
HCS HB 565, (Fiscal Review 4/28/15) - Spencer  
HB 824 - Korman  
HCS HB 122 - McGaugh  
HCS HB 1047, (Fiscal Review 4/29/15) - Zerr  
HCS HB 479 - Houghton  
HB 612 - Fitzwater (144)  
HCS HB 530 - Roden  
HCS HB 180, (Fiscal Review 4/29/15), E.C. - Cookson  
HB 1054 - Spencer  
HCS HB 879 - Korman  
HCS HB 1044 - Corlew  
HCS HB 207, (Fiscal Review 4/29/15) - Curtman  
HB 1247 - Lant

### **SENATE BILLS FOR SECOND READING**

SS#2 SCS SB 199, 417 & 42  
SB 200  
SB 364  
SS SB 373  
SB 377  
SB 392  
SB 463  
SB 497  
SB 533



**SENATE BILLS FOR THIRD READING - CONSENT**

SB 116 - Davis

**SENATE BILLS FOR THIRD READING**

HCS SB 156 - Hubbard  
SB 166 - Curtis  
SS SCS SB 15 - Koenig  
HCS SS SCS SB 115 - Miller  
HCS SCS SB 172, E.C. - Swan  
HCS SB 244 - Barnes  
HCS SS SCS SB 278 - Hinson  
HCS SCS SB 445 - Miller  
HCS SB 164 - Gosen  
HCS SS SCS SB 174 - Richardson  
HCS SCS SB 300 - Leara  
HCS SCS SB 322 - Engler  
HCS SCS SB 336 - Higdon  
SCS SB 345 - Dugger  
HCS SB 13 - Spencer  
HCS SCS SB 210, (Fiscal Review 4/29/15) - Flanigan  
SCS SB 224, E.C. - Fitzpatrick  
SB 426 - Franklin  
HCS SCS SB 341, (Fiscal Review 4/29/15) - Franklin

**SENATE CONCURRENT RESOLUTIONS FOR THIRD READING**

SCR 12 - Frederick

**HOUSE BILLS WITH SENATE AMENDMENTS**

HB 515, SA 1, SA 2 - Leara  
SCS HB 152, as amended, (Fiscal Review 4/29/15) - Haahr  
SCS HCS HB 50, (Fiscal Review 4/29/15) - Gosen  
SCS HB 878, (Fiscal Review 4/29/15) - Rhoads  
HB 629, SA 1, (Fiscal Review 4/29/15) - Leara  
SCS HB 615, (Fiscal Review 4/29/15) - Dohrman

**BILLS CARRYING REQUEST MESSAGES**

SS SCS HB 458, as amended, (request Senate recede/grant House conference) - Allen  
HCS SB 282, as amended (request House recede/grant Senate conference) - Gosen

**BILLS IN CONFERENCE**

SS#2 SCS SB 11, HA 1, HA 1 HA 2, HA 2, a.a., HA 1 HA 3, HA 3, a.a., & HA 4 - Rowden

CCR HCS SCS SB 152, as amended - Miller

SCS HCS HB 42, as amended, E.C. - Wood

HCS SS SCS SB 5, as amended - Curtman

HCS SB 104, as amended - Dugger

HCS SCS SB 473, as amended, E.C. - Rowland

HCS SB 254, as amended - Davis

HCS SB 283, as amended - Leara

HCS SCS SB 270, as amended - Dugger