

JOURNAL OF THE HOUSE

Second Regular Session, 99th GENERAL ASSEMBLY

FORTY-NINTH DAY, WEDNESDAY, APRIL 4, 2018

The House met pursuant to adjournment.

Representative Christofanelli in the Chair.

Speaker Richardson assumed the Chair.

Representative Vescovo suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 032

Barnes 60	Basye	Beck	Berry	Brown 27
Burns	Cookson	Davis	Franks Jr	Gannon
Harris	Henderson	Hurst	Kelley 127	Kelly 141
Korman	Lant	Lauer	McGaugh	Morris 140
Mosley	Pogue	Redmon	Reiboldt	Reisch
Revis	Rowland 155	Rowland 29	Smith 85	Taylor
Wessels	White			

NOES: 000

PRESENT: 060

Anderson	Bangert	Baringer	Barnes 28	Beard
Black	Brown 57	Butler	Christofanelli	Corlew
Cornejo	Dinkins	Dogan	Dohrman	Eggleston
Ellebracht	Fitzpatrick	Frederick	Gray	Grier
Haahr	Haefner	Helms	Higdon	Hill
Houghton	Houx	Johnson	Kendrick	Kidd
Kolkmeyer	Lavender	Love	Lynch	Marshall
Messenger	Morgan	Peters	Pfautsch	Pierson Jr
Pike	Quade	Razer	Rhoads	Rone
Ross	Runions	Ruth	Schroer	Shaul 113
Shumake	Smith 163	Stacy	Tate	Trent
Vescovo	Walker 3	Wiemann	Wilson	Mr. Speaker

ABSENT WITH LEAVE: 069

Adams	Alferman	Anders	Andrews	Arthur
Austin	Bahr	Bernskoetter	Bondon	Brattin
Burnett	Carpenter	Chipman	Conway 10	Conway 104
Cross	Curtis	Curtman	DeGroot	Ellington
Engler	Evans	Fitzwater	Fraker	Francis
Franklin	Green	Gregory	Hannegan	Hansen
Justus	Knight	Lichtenegger	Mathews	Matthiesen

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May	McCann Beatty	McCreery	McDaniel	McGee
Meredith 71	Merideth 80	Miller	Mitten	Moon
Morse 151	Muntzel	Neely	Newman	Nichols
Phillips	Pietzman	Plocher	Rehder	Remole
Roberts	Roden	Roeber	Shull 16	Sommer
Spencer	Stephens 128	Stevens 46	Swan	Unsicker
Walker 74	Walsh	Washington	Wood	

VACANCIES: 002

Prayer by Reverend Monsignor Robert A. Kurwicky, Chaplain.

O keep my soul, and deliver me: let me not be ashamed; for I put my trust in Thee. (Psalm 25:20)

On this day, as we recall with sorrow the sudden and unexpected passing 50 years ago of the Reverend Dr. Martin Luther King Jr., may his dream for a more perfect world and nation become valued and remembered with truth and charity.

O Loving God, whose way is life, whose work is truth, and whose will is love, let Your presence abide in our hearts today and every day, that seeking Your life we may find it, searching for Your truth we may discover it, and striving for Your love we may possess it. May we live together safely and securely, proving ourselves faithful to Your trust in us.

We entrust our state to Your loving care and keeping. Guide our leaders in right paths and our people in true ways.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Clark Cornejo, Nora Cornejo, Ruthie Cornejo, Elias Daniel Eggering, Jonna Rose Eggering, Brynn Williams, Daniel Rodgerson, Ryan Head, Gracie Remole, Jessica Harris, Andrew Williams, Kaity Askew, and Kourtney Showalter.

Representative Vescovo moved that Rule 122 be suspended.

Which motion was adopted by the following vote:

AYES: 125

Adams	Anderson	Andrews	Arthur	Austin
Bahr	Bangert	Baringer	Barnes 28	Basye
Beard	Beck	Bernskoetter	Black	Brown 27
Brown 57	Burns	Conway 10	Conway 104	Cookson
Corlew	Cross	Davis	Dinkins	Dohrman
Eggleston	Ellebracht	Engler	Evans	Fitzpatrick
Fitzwater	Fraker	Francis	Franklin	Franks Jr
Frederick	Gannon	Gray	Grier	Haahr
Haefner	Hannegan	Hansen	Harris	Helms
Henderson	Higdon	Hill	Houghton	Houx
Hurst	Johnson	Justus	Kelley 127	Kelly 141
Kendrick	Kidd	Knight	Kolkmeyer	Korman
Lant	Lauer	Lavender	Lichtenegger	Love
Lynch	Marshall	Mathews	Matthiesen	May

McCreery	McDaniel	McGaugh	Merideth 80	Messenger
Miller	Morgan	Morris 140	Morse 151	Mosley
Neely	Peters	Pfautsch	Phillips	Pierson Jr
Pike	Plocher	Pogue	Quade	Razer
Redmon	Reiboldt	Reisch	Remole	Revis
Rhoads	Roberts	Roeber	Ross	Rowland 155
Rowland 29	Runions	Ruth	Schroer	Shaul 113
Shumake	Smith 85	Smith 163	Sommer	Spencer
Stacy	Stevens 46	Tate	Taylor	Trent
Unsicker	Vescovo	Walker 3	Walker 74	Walsh
Wessels	White	Wiemann	Wilson	Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 036

Alferman	Anders	Barnes 60	Berry	Bondon
Brattin	Burnett	Butler	Carpenter	Chipman
Christofanelli	Cornejo	Curtis	Curtman	DeGroot
Dogan	Ellington	Green	Gregory	McCann Beatty
McGee	Meredith 71	Mitten	Moon	Muntzel
Newman	Nichols	Pietzman	Rehder	Roden
Rone	Shull 16	Stephens 128	Swan	Washington
Wood				

VACANCIES: 002

SPECIAL RECOGNITION

The Boone County Fire Protection District Pipes & Drums was introduced by Representative Grier and performed "Flowers of Scotland" and "America the Beautiful."

John Saville, British Consul General, was introduced by Speaker Richardson.

Consul General Saville addressed the House.

The Honorable Roy Blunt, United States Senator, was introduced by Speaker Richardson.

Senator Blunt addressed the House.

Speaker Pro Tem Haahr assumed the Chair.

The Journal of the forty-eighth day was approved as printed by the following vote:

AYES: 143

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Bangert	Baringer
Barnes 60	Barnes 28	Basye	Beard	Beck
Bernskoetter	Berry	Black	Bondon	Brattin

Brown 27	Brown 57	Burnett	Burns	Butler
Carpenter	Chipman	Christofanelli	Conway 10	Conway 104
Cookson	Corlew	Cornejo	Cross	Curtman
Davis	DeGroot	Dinkins	Dogan	Dohrman
Eggleston	Ellebracht	Evans	Fitzpatrick	Fitzwater
Fraker	Francis	Franks Jr	Frederick	Gannon
Gray	Gregory	Grier	Haahr	Haefner
Hannegan	Hansen	Harris	Helms	Henderson
Higdon	Hill	Houghton	Houx	Hurst
Johnson	Justus	Kelley 127	Kelly 141	Kendrick
Kidd	Knight	Kolkmeier	Korman	Lant
Lauer	Lavender	Lichtenegger	Love	Lynch
Marshall	Mathews	Matthiesen	McCreery	McGaugh
Meredith 71	Merideth 80	Messenger	Miller	Mitten
Moon	Morgan	Morris 140	Morse 151	Mosley
Neely	Peters	Pfautsch	Phillips	Pierson Jr
Pietzman	Pike	Plocher	Pogue	Quade
Redmon	Reiboldt	Reisch	Remole	Revis
Rhoads	Roberts	Roeber	Rone	Ross
Rowland 155	Rowland 29	Runions	Ruth	Schroer
Shaul 113	Shull 16	Shumake	Smith 85	Smith 163
Sommer	Spencer	Stacy	Stevens 46	Swan
Tate	Taylor	Trent	Unsicker	Vescovo
Walker 3	Walker 74	Walsh	Washington	White
Wiemann	Wilson	Wood		

NOES: 000

PRESENT: 001

Ellington

ABSENT WITH LEAVE: 017

Curtis	Engler	Franklin	Green	May
McCann Beatty	McDaniel	McGee	Muntzel	Newman
Nichols	Razer	Rehder	Roden	Stephens 128
Wessels	Mr. Speaker			

VACANCIES: 002

PERFECTION OF HOUSE BILLS

HB 1296, relating to victim impact programs for driving while intoxicated offenders, was taken up by Representative Kelley (127).

On motion of Representative Kelley (127), the title of **HB 1296** was agreed to.

On motion of Representative Kelley (127), **HB 1296** was ordered perfected and printed.

HCS HB 2255, relating to the science, technology, engineering and mathematics (STEM) initiative, was taken up by Representative Korman.

On motion of Representative Korman, the title of **HCS HB 2255** was agreed to.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 2255, Page 3, Section 173.670, Line 82, by inserting immediately after all of said section and line the following:

"620.2700. 1. Subject to appropriation, the department of elementary and secondary education shall establish a statewide program to be known as the "STEM Career Awareness Program" to increase STEM career awareness among students in grades six through eight. For purposes of this section, "STEM" means science, technology, engineering, and mathematics.

2. The department of elementary and secondary education shall promote the statewide program beginning in the 2019-20 school year. The program shall introduce students to a wide variety of STEM careers and technology through an online-based STEM curriculum.

3. Before January 1, 2019, the department of elementary and secondary education shall solicit proposals and select a provider for the online program. The program selected shall meet the following criteria:

(1) The program introduces students to a wide variety of STEM careers and technologies, including a curriculum explicitly focused on more than eighty different careers and technologies;

(2) The curriculum is organized around the concept of solving societal or human-centered problems, instead of focusing solely on scientific concepts. The curriculum shall have at least ten different problems that emphasize different career clusters;

(3) The curriculum is designed for flexible implementation in a wide variety of classrooms, including science, math, English, and social studies, through lessons that emphasize the application of STEM careers in these contexts;

(4) The curriculum demonstrates how math and language skills appropriate to middle schools are used by STEM careers, making classroom instruction relevant to students interested in STEM careers;

(5) The program uses game-based elements to encourage engagement and competition with students and teams, including automated online leaderboards;

(6) The program rewards students, in the game format, for accomplishment in demonstrating the application of math and language skills in the contexts of the STEM careers and technologies;

(7) The program automatically produces analytic reports for individual students and for classes, including analysis of performance against individual math and language skills objectives;

(8) The curriculum is available in a self-paced format over the internet, allowing access to students through individual student accounts anywhere that the students can access the internet;

(9) The curriculum includes a narrative soundtrack accompanying and matching all instructional text to assist students in developing reading skills in the context of STEM careers;

(10) The program has a validation from a national, third-party nonprofit organization that the program increases STEM career awareness and interest;

(11) The program shall be listed as a recommended STEM resource in ACT's "Condition of STEM" 2015 report; and

(12) The program includes web-based professional development for school staff.

4. Notwithstanding subsections 2 and 3 of this section, the department of elementary and secondary education may choose a third-party nonprofit entity to implement the statewide program, solicit proposals, and select a provider as described under subsection 3 of this section.

5. (1) There is hereby created in the state treasury the "STEM Career Awareness Program Fund". The fund shall consist of any appropriations, gifts, bequests, or public or private donations to such fund. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements of public moneys in accordance with distribution requirements and procedures developed by the department of elementary and secondary education. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section.

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

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

6. 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, 2018, shall be invalid and void."; and

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

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

Representative Rhoads assumed the Chair.

On motion of Representative Korman, **HCS HB 2255, as amended**, was adopted.

On motion of Representative Korman, **HCS HB 2255, as amended**, was ordered perfected and printed.

HB 1499, relating to long-acting reversible contraceptives, was taken up by Representative Dogan.

On motion of Representative Dogan, the title of **HB 1499** was agreed to.

On motion of Representative Dogan, **HB 1499** was ordered perfected and printed.

HB 2231, relating to land surveyors, was taken up by Representative Ross.

On motion of Representative Ross, the title of **HB 2231** was agreed to.

On motion of Representative Ross, **HB 2231** was ordered perfected and printed.

HB 1419, relating to suicide prevention training for health care professionals, was taken up by Representative Haefner.

On motion of Representative Haefner, the title of **HB 1419**, relating to occupations and professions, was agreed to.

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

House Amendment No. 1

AMEND House Bill No. 1419, Page 1, Section 324.046, Lines 5 to 7, by deleting said lines and inserting in lieu thereof the following:

"2. Any health care professional in the state of Missouri may annually complete training in the areas of suicide assessment, referral, treatment, and management, which may qualify as part of the continuing education requirements for his or her licensure."; and

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

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

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

House Amendment No. 2

AMEND House Bill No. 1419, Page 3, Section 337.020, Line 74, by inserting after all of said line the following:

"337.025. 1. The provisions of this section shall govern the education and experience requirements for initial licensure as a psychologist for the following persons:

(1) A person who has not matriculated in a graduate degree program which is primarily psychological in nature on or before August 28, 1990; and

(2) A person who is matriculated after August 28, 1990, in a graduate degree program designed to train professional psychologists.

2. Each applicant shall submit satisfactory evidence to the committee that the applicant has received a doctoral degree in psychology from a recognized educational institution, and has had at least one year of satisfactory supervised professional experience in the field of psychology.

3. A doctoral degree in psychology is defined as:

(1) A program accredited, or provisionally accredited, by the American Psychological Association (APA), ~~or~~ the Canadian Psychological Association (CPA), **or the Psychological Clinical Science Accreditation System (PCSAS); provided that, such program includes a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;** or

(2) A program designated or approved, including provisional approval, by the Association of State and Provincial Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A graduate program that meets all of the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

(b) The psychology program shall stand as a recognizable, coherent organizational entity within the institution of higher education;

(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) The program shall be an integrated, organized, sequence of study;

(e) There shall be an identifiable psychology faculty and a psychologist responsible for the program;

(f) The program shall have an identifiable body of students who are matriculated in that program for a degree;

(g) The program shall include a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;

(h) The curriculum shall encompass a minimum of three academic years of full-time graduate study, with a minimum of one year's residency at the educational institution granting the doctoral degree; and

(i) Require the completion by the applicant of a core program in psychology which shall be met by the completion and award of at least one three-semester-hour graduate credit course or a combination of graduate credit courses totaling three semester hours or five quarter hours in each of the following areas:

a. The biological bases of behavior such as courses in: physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology;

b. The cognitive-affective bases of behavior such as courses in: learning, thinking, motivation, emotion, and cognitive psychology;

c. The social bases of behavior such as courses in: social psychology, group processes/dynamics, interpersonal relationships, and organizational and systems theory;

d. Individual differences such as courses in: personality theory, human development, abnormal psychology, developmental psychology, child psychology, adolescent psychology, psychology of aging, and theories of personality;

e. The scientific methods and procedures of understanding, predicting and influencing human behavior such as courses in: statistics, experimental design, psychometrics, individual testing, group testing, and research design and methodology.

4. Acceptable supervised professional experience may be accrued through preinternship, internship, predoctoral postinternship, or postdoctoral experiences. The academic training director or the postdoctoral training supervisor shall attest to the hours accrued to meet the requirements of this section. Such hours shall consist of:

(1) A minimum of fifteen hundred hours of experience in a successfully completed internship to be completed in not less than twelve nor more than twenty-four months; and

(2) A minimum of two thousand hours of experience consisting of any combination of the following:

(a) Preinternship and predoctoral postinternship professional experience that occurs following the completion of the first year of the doctoral program or at any time while in a doctoral program after completion of a master's degree in psychology or equivalent as defined by rule by the committee;

(b) Up to seven hundred fifty hours obtained while on the internship under subdivision (1) of this subsection but beyond the fifteen hundred hours identified in subdivision (1) of this subsection; or

(c) Postdoctoral professional experience obtained in no more than twenty-four consecutive calendar months. In no case shall this experience be accumulated at a rate of more than fifty hours per week. Postdoctoral supervised professional experience for prospective health service providers and other applicants shall involve and relate to the delivery of psychological services in accordance with professional requirements and relevant to the applicant's intended area of practice.

5. Experience for those applicants who intend to seek health service provider certification and who have completed a program in one or more of the American Psychological Association designated health service provider delivery areas shall be obtained under the primary supervision of a licensed psychologist who is also a health service provider or who otherwise meets the requirements for health service provider certification. Experience for those applicants who do not intend to seek health service provider certification shall be obtained under the primary supervision of a licensed psychologist or such other qualified mental health professional approved by the committee.

6. For postinternship and postdoctoral hours, the psychological activities of the applicant shall be performed pursuant to the primary supervisor's order, control, and full professional responsibility. The primary supervisor shall maintain a continuing relationship with the applicant and shall meet with the applicant a minimum of one hour per month in face-to-face individual supervision. Clinical supervision may be delegated by the primary supervisor to one or more secondary supervisors who are qualified psychologists. The secondary supervisors shall retain order, control, and full professional responsibility for the applicant's clinical work under their supervision and shall meet with the applicant a minimum of one hour per week in face-to-face individual supervision. If the primary supervisor is also the clinical supervisor, meetings shall be a minimum of one hour per week. Group supervision shall not be acceptable for supervised professional experience. The primary supervisor shall certify to the committee that the applicant has complied with these requirements and that the applicant has demonstrated ethical and competent practice of psychology. The changing by an agency of the primary supervisor during the course of the supervised experience shall not invalidate the supervised experience.

7. The committee by rule shall provide procedures for exceptions and variances from the requirements for once a week face-to-face supervision due to vacations, illness, pregnancy, and other good causes.

337.029. 1. A psychologist licensed in another jurisdiction who has had no violations and no suspensions and no revocation of a license to practice psychology in any jurisdiction may receive a license in Missouri, provided the psychologist passes a written examination on Missouri laws and regulations governing the practice of psychology and meets one of the following criteria:

(1) Is a diplomate of the American Board of Professional Psychology;

(2) Is a member of the National Register of Health Service Providers in Psychology;

(3) Is currently licensed or certified as a psychologist in another jurisdiction who is then a signatory to the Association of State and Provincial Psychology Board's reciprocity agreement;

(4) Is currently licensed or certified as a psychologist in another state, territory of the United States, or the District of Columbia and:

(a) Has a doctoral degree in psychology from a program accredited, or provisionally accredited, **either** by the American Psychological Association **or the Psychological Clinical Science Accreditation System**, or that meets the requirements as set forth in subdivision (3) of subsection 3 of section 337.025;

(b) Has been licensed for the preceding five years; and

(c) Has had no disciplinary action taken against the license for the preceding five years; or
(5) Holds a current certificate of professional qualification (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB).

2. Notwithstanding the provisions of subsection 1 of this section, applicants may be required to pass an oral examination as adopted by the committee.

3. A psychologist who receives a license for the practice of psychology in the state of Missouri on the basis of reciprocity as listed in subsection 1 of this section or by endorsement of the score from the examination of professional practice in psychology score will also be eligible for and shall receive certification from the committee as a health service provider if the psychologist meets one or more of the following criteria:

- (1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional Psychology as pertaining to health service delivery;
- (2) Is a member of the National Register of Health Service Providers in Psychology; or
- (3) Has completed or obtained through education, training, or experience the requisite knowledge comparable to that which is required pursuant to section 337.033.

337.033. 1. A licensed psychologist shall limit his or her practice to demonstrated areas of competence as documented by relevant professional education, training, and experience. A psychologist trained in one area shall not practice in another area without obtaining additional relevant professional education, training, and experience through an acceptable program of respecialization.

2. A psychologist may not represent or hold himself or herself out as a state certified or registered psychological health service provider unless the psychologist has first received the psychologist health service provider certification from the committee; provided, however, nothing in this section shall be construed to limit or prevent a licensed, whether temporary, provisional or permanent, psychologist who does not hold a health service provider certificate from providing psychological services so long as such services are consistent with subsection 1 of this section.

3. "Relevant professional education and training" for health service provider certification, except those entitled to certification pursuant to subsection 5 or 6 of this section, shall be defined as a licensed psychologist whose graduate psychology degree from a recognized educational institution is in an area designated by the American Psychological Association as pertaining to health service delivery or a psychologist who subsequent to receipt of his or her graduate degree in psychology has either completed a respecialization program from a recognized educational institution in one or more of the American Psychological Association recognized clinical health service provider areas and who in addition has completed at least one year of postdegree supervised experience in such clinical area or a psychologist who has obtained comparable education and training acceptable to the committee through completion of postdoctoral fellowships or otherwise.

4. The degree or respecialization program certificate shall be obtained from a recognized program of graduate study in one or more of the health service delivery areas designated by the American Psychological Association as pertaining to health service delivery, which shall meet one of the criteria established by subdivisions (1) to (3) of this subsection:

(1) A doctoral degree or completion of a recognized respecialization program in one or more of the American Psychological Association designated health service provider delivery areas which is accredited, or provisionally accredited, **either** by the American Psychological Association **or the Psychological Clinical Science Accreditation System**; or

(2) A clinical or counseling psychology doctoral degree program or respecialization program designated, or provisionally approved, by the Association of State and Provincial Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A doctoral degree or completion of a respecialization program in one or more of the American Psychological Association designated health service provider delivery areas that meets the following criteria:

- (a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as being in one or more of the American Psychological Association designated health service provider delivery areas;
- (b) Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists in one or more of the American Psychological Association designated health service provider delivery areas.

5. A person who is lawfully licensed as a psychologist pursuant to the provisions of this chapter on August 28, 1989, or who has been approved to sit for examination prior to August 28, 1989, and who subsequently passes the examination shall be deemed to have met all requirements for health service provider certification; provided,

however, that such person shall be governed by the provisions of subsection 1 of this section with respect to limitation of practice.

6. Any person who is lawfully licensed as a psychologist in this state and who meets one or more of the following criteria shall automatically, upon payment of the requisite fee, be entitled to receive a health service provider certification from the committee:

(1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional Psychology as pertaining to health service delivery; or

(2) Is a member of the National Register of Health Service Providers in Psychology.

337.100. 1. Sections 337.100 to 337.165 shall be known as the "Psychology Interjurisdictional Compact". The party states find that:

(1) States license psychologists, in order to protect the public through verification of education, training and experience and ensure accountability for professional practice;

(2) This compact is intended to regulate the day to day practice of telepsychology, the provision of psychological services using telecommunication technologies, by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority;

(3) This compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for thirty days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority;

(4) This compact is intended to authorize state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of the compact, to psychologists licensed in another state;

(5) This compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety;

(6) This compact does not apply when a psychologist is licensed in both the home and receiving states; and

(7) This compact does not apply to permanent in-person, face-to-face practice, it does allow for authorization of temporary psychological practice.

2. The general purposes of this compact are to:

(1) Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state which the psychologist is not licensed to practice psychology;

(2) Enhance the states' ability to protect the public's health and safety, especially client/patient safety;

(3) Encourage the cooperation of compact states in the areas of psychology licensure and regulation;

(4) Facilitate the exchange of information between compact states regarding psychologist licensure, adverse actions and disciplinary history;

(5) Promote compliance with the laws governing psychological practice in each compact state; and

(6) Invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.

337.105. As used in this compact, the following terms shall mean:

(1) "Adverse action", any action taken by a state psychology regulatory authority which finds a violation of a statute or regulation that is identified by the state psychology regulatory authority as discipline and is a matter of public record;

(2) "Association of State and Provincial Psychology Boards (ASPPB)", the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada;

(3) "Authority to practice interjurisdictional telepsychology", a licensed psychologist's authority to practice telepsychology, within the limits authorized under this compact, in another compact state;

(4) "Bylaws", those bylaws established by the psychology interjurisdictional compact commission pursuant to section 337.145 for its governance, or for directing and controlling its actions and conduct;

(5) "Client/patient", the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, or consulting services;

(6) "Commissioner", the voting representative appointed by each state psychology regulatory authority pursuant to section 337.145;

(7) "Compact state", a state, the District of Columbia, or United States territory that has enacted this compact legislation and which has not withdrawn pursuant to subsection 3 of section 337.160 or been terminated pursuant to subsection 2 of section 337.155;

- (8) "Coordinated licensure information system" also referred to as "coordinated database", an integrated process for collecting, storing, and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of state and provincial psychology regulatory authorities;
- (9) "Confidentiality", the principle that data or information is not made available or disclosed to unauthorized persons or processes;
- (10) "Day", any part of a day in which psychological work is performed;
- (11) "Distant state", the compact state where a psychologist is physically present, not through the use of telecommunications technologies, to provide temporary in-person, face-to-face psychological services;
- (12) "E.Passport", a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines;
- (13) "Executive board", a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission;
- (14) "Home state", a compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one compact state and is practicing under the authorization to practice interjurisdictional telepsychology, the home state is the compact state where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one compact state and is practicing under the temporary authorization to practice, the home state is any compact state where the psychologist is licensed;
- (15) "Identity history summary", a summary of information retained by the Federal Bureau of Investigation, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military service;
- (16) "In-person, face-to-face", interactions in which the psychologist and the client/patient are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies;
- (17) "Interjurisdictional practice certificate (IPC)", a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the state psychology regulatory authority of intention to practice temporarily, and verification of one's qualifications for such practice;
- (18) "License", authorization by a state psychology regulatory authority to engage in the independent practice of psychology, which would be unlawful without the authorization;
- (19) "Noncompact state", any state which is not at the time a compact state;
- (20) "Psychologist", an individual licensed for the independent practice of psychology;
- (21) "Psychology interjurisdictional compact commission" also referred to as "commission", the national administration of which all compact states are members;
- (22) "Receiving state", a compact state where the client/patient is physically located when the telepsychological services are delivered;
- (23) "Rule", a written statement by the psychology interjurisdictional compact commission promulgated pursuant to section 337.150 of the compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the commission and has the force and effect of statutory law in a compact state, and includes the amendment, repeal or suspension of an existing rule;
- (24) "Significant investigatory information":
- (a) Investigative information that a state psychology regulatory authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or
- (b) Investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and had an opportunity to respond;
- (25) "State", a state, commonwealth, territory, or possession of the United States, the District of Columbia;

(26) "State psychology regulatory authority", the board, office or other agency with the legislative mandate to license and regulate the practice of psychology;

(27) "Telepsychology", the provision of psychological services using telecommunication technologies;

(28) "Temporary authorization to practice", a licensed psychologist's authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this compact, in another compact state;

(29) "Temporary in-person, face-to-face practice", where a psychologist is physically present, not through the use of telecommunications technologies, in the distant state to provide for the practice of psychology for thirty days within a calendar year and based on notification to the distant state.

337.110. 1. The home state shall be a compact state where a psychologist is licensed to practice psychology.

2. A psychologist may hold one or more compact state licenses at a time. If the psychologist is licensed in more than one compact state, the home state is the compact state where the psychologist is physically present when the services are delivered as authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

3. Any compact state may require a psychologist not previously licensed in a compact state to obtain and retain a license to be authorized to practice in the compact state under circumstances not authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

4. Any compact state may require a psychologist to obtain and retain a license to be authorized to practice in a compact state under circumstances not authorized by temporary authorization to practice under the terms of this compact.

5. A home state's license authorizes a psychologist to practice in a receiving state under the authority to practice interjurisdictional telepsychology only if the compact state:

(1) Currently requires the psychologist to hold an active E.Passport;

(2) Has a mechanism in place for receiving and investigating complaints about licensed individuals;

(3) Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

(4) Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than ten years after activation of the compact; and

(5) Complies with the bylaws and rules of the commission.

6. A home state's license grants temporary authorization to practice to a psychologist in a distant state only if the compact state:

(1) Currently requires the psychologist to hold an active IPC;

(2) Has a mechanism in place for receiving and investigating complaints about licensed individuals;

(3) Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

(4) Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than ten years after activation of the compact; and

(5) Complies with the bylaws and rules of the commission.

337.115. 1. Compact states shall recognize the right of a psychologist, licensed in a compact state in conformance with section 337.110, to practice telepsychology in receiving states in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology as provided in the compact.

2. To exercise the authority to practice interjurisdictional telepsychology under the terms and provisions of this compact, a psychologist licensed to practice in a compact state shall:

(1) Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

(a) Regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or

(b) A foreign college or university deemed to be equivalent to the requirements of paragraph (a) of this subdivision by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service;

(2) Hold a graduate degree in psychology that meets the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

(b) The psychology program shall stand as a recognizable, coherent, organizational entity within the institution;

(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) The program shall consist of an integrated, organized sequence of study;

(e) There shall be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

(f) The designated director of the program shall be a psychologist and a member of the core faculty;

(g) The program shall have an identifiable body of students who are matriculated in that program for a degree;

(h) The program shall include supervised practicum, internship, or field training appropriate to the practice of psychology;

(i) The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degree and a minimum of one academic year of full-time graduate study for master's degree;

(j) The program includes an acceptable residency as defined by the rules of the commission;

(3) Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;

(4) Have no history of adverse action that violate the rules of the commission;

(5) Have no criminal record history reported on an identity history summary that violates the rules of the commission;

(6) Possess a current, active E.Passport;

(7) Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the commission; and

(8) Meet other criteria as defined by the rules of the commission.

3. The home state maintains authority over the license of any psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology.

4. A psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology will be subject to the receiving state's scope of practice. A receiving state may, in accordance with that state's due process law, limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions under the receiving state's applicable law to protect the health and safety of the receiving state's citizens. If a receiving state takes action, the state shall promptly notify the home state and the commission.

5. If a psychologist's license in any home state, another compact state, or any authority to practice interjurisdictional telepsychology in any receiving state, is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.

337.120. 1. Compact states shall also recognize the right of a psychologist, licensed in a compact state in conformance with section 337.110, to practice temporarily in distant states in which the psychologist is not licensed, as provided in the compact.

2. To exercise the temporary authorization to practice under the terms and provisions of this compact, a psychologist licensed to practice in a compact state shall:

(1) Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

(a) Regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or

(b) A foreign college or university deemed to be equivalent to the requirements of paragraph (a) of this subdivision by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service;

(2) Hold a graduate degree in psychology that meets the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

(b) The psychology program shall stand as a recognizable, coherent, organizational entity within the institution;

(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) The program shall consist of an integrated, organized sequence of study;

(e) There shall be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

(f) The designated director of the program shall be a psychologist and a member of the core faculty;

(g) The program shall have an identifiable body of students who are matriculated in that program for a degree;

(h) The program shall include supervised practicum, internship, or field training appropriate to the practice of psychology;

(i) The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degree;

(j) The program includes an acceptable residency as defined by the rules of the commission;

(3) Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;

(4) No history of adverse action that violate the rules of the commission;

(5) No criminal record history that violates the rules of the commission;

(6) Possess a current, active IPC;

(7) Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the commission; and

(8) Meet other criteria as defined by the rules of the commission.

3. A psychologist practicing into a distant state under the temporary authorization to practice shall practice within the scope of practice authorized by the distant state.

4. A psychologist practicing into a distant state under the temporary authorization to practice will be subject to the distant state's authority and law. A distant state may, in accordance with that state's due process law, limit or revoke a psychologist's temporary authorization to practice in the distant state and may take any other necessary actions under the distant state's applicable law to protect the health and safety of the distant state's citizens. If a distant state takes action, the state shall promptly notify the home state and the commission.

5. If a psychologist's license in any home state, another compact state, or any temporary authorization to practice in any distant state, is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a compact state under the temporary authorization to practice.

337.125. A psychologist may practice in a receiving state under the authority to practice interjurisdictional telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology regulatory authority, as defined in the rules of the commission, and under the following circumstances:

(1) The psychologist initiates a client/patient contact in a home state via telecommunications technologies with a client/patient in a receiving state;

(2) Other conditions regarding telepsychology as determined by rules promulgated by the commission.

337.130. 1. A home state shall have the power to impose adverse action against a psychologist's license issued by the home state. A distant state shall have the power to take adverse action on a psychologist's temporary authorization to practice within that distant state.

2. A receiving state may take adverse action on a psychologist's authority to practice interjurisdictional telepsychology within that receiving state. A home state may take adverse action against a psychologist based on an adverse action taken by a distant state regarding temporary in-person, face-to-face practice.

3. (1) If a home state takes adverse action against a psychologist's license, that psychologist's authority to practice interjurisdictional telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's temporary authorization to practice is terminated and the IPC is revoked.

(2) All home state disciplinary orders which impose adverse action shall be reported to the commission in accordance with the rules promulgated by the commission. A compact state shall report adverse actions in accordance with the rules of the commission.

(3) In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the commission.

(4) Other actions may be imposed as determined by the rules promulgated by the commission.

4. A home state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a receiving state as it would if such conduct had occurred by a licensee within the home state. In such cases, the home state's law shall control in determining any adverse action against a psychologist's license.

5. A distant state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under temporary authorization practice which occurred in that distant state as it would if such conduct had occurred by a licensee within the home state. In such cases, distant state's law shall control in determining any adverse action against a psychologist's temporary authorization to practice.

6. Nothing in this compact shall override a compact state's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the compact state's law. Compact states shall require psychologists who enter any alternative programs to not provide telepsychology services under the authority to practice interjurisdictional telepsychology or provide temporary psychological services under the temporary authorization to practice in any other compact state during the term of the alternative program.

7. No other judicial or administrative remedies shall be available to a psychologist in the event a compact state imposes an adverse action pursuant to subsection 3 of this section.

337.135. 1. In addition to any other powers granted under state law, a compact state's psychology regulatory authority shall have the authority under this compact to:

(1) Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a compact state's psychology regulatory authority for the attendance and testimony of witnesses, or the production of evidence from another compact state shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence are located; and

(2) Issue cease and desist or injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice.

2. During the course of any investigation, a psychologist may not change his or her home state licensure. A home state psychology regulatory authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The home state psychology regulatory authority shall promptly report the conclusions of such investigations to the commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his or her home state licensure. The commission shall promptly notify the new home state of any such decisions as provided in the rules of the commission. All information provided to the commission or distributed by compact states pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The commission may create additional rules for mandated or discretionary sharing of information by compact states.

337.140. 1. The commission shall provide for the development and maintenance of a coordinated licensure information system "coordinated database" and reporting system containing licensure and disciplinary action information on all psychologist individuals to whom this compact is applicable in all compact states as defined by the rules of the commission.

2. Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform data set to the coordinated database on all licensees as required by the rules of the commission, including:

- (1) Identifying information;
- (2) Licensure data;
- (3) Significant investigatory information;
- (4) Adverse actions against a psychologist's license;
- (5) An indicator that a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice is revoked;
- (6) Nonconfidential information related to alternative program participation information;
- (7) Any denial of application for licensure, and the reasons for such denial; and
- (8) Other information which may facilitate the administration of this compact, as determined by the rules of the commission.

3. The coordinated database administrator shall promptly notify all compact states of any adverse action taken against, or significant investigative information on, any licensee in a compact state.

4. Compact states reporting information to the coordinated database may designate information that may not be shared with the public without the express permission of the compact state reporting the information.

5. Any information submitted to the coordinated database that is subsequently required to be expunged by the law of the compact state reporting the information shall be removed from the coordinated database.

337.145. 1. The compact states hereby create and establish a joint public agency known as the psychology interjurisdictional compact commission.

(1) The commission is a body politic and an instrumentality of the compact states.
(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

2. The commission shall consist of one voting representative appointed by each compact state who shall serve as that state's commissioner. The state psychology regulatory authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the compact state. This delegate shall be limited to:

- (1) Executive director, executive secretary or similar executive;
- (2) Current member of the state psychology regulatory authority of a compact state; or
- (3) Designee empowered with the appropriate delegate authority to act on behalf of the compact state.

3. (1) Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the compact state in which the vacancy exists.

(2) Each commissioner shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners' participation in meetings by telephone or other means of communication.

(3) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(4) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 337.150.

(5) The commission may convene in a closed, nonpublic meeting if the commission shall discuss:

(a) Noncompliance of a compact state with its obligations under the compact;
(b) The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(c) Current, threatened, or reasonably anticipated litigation against the commission;
(d) Negotiation of contracts for the purchase or sale of goods, services or real estate;
(e) Accusation against any person of a crime or formally censuring any person;
(f) Disclosure of trade secrets or commercial or financial information which is privileged or confidential;

(g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(h) Disclosure of investigatory records compiled for law enforcement purposes;

(i) Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the compact;

(j) Matters specifically exempted from disclosure by federal and state statute.

(6) If a meeting, or portion of a meeting, is closed pursuant to subdivision (5) of subsection 3 of this section, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

4. The commission shall, by a majority vote of the commissioners, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including but not limited to:

(1) Establishing the fiscal year of the commission;

(2) Providing reasonable standards and procedures:

(a) For the establishment and meetings of other committees; and

(b) Governing any general or specific delegation of any authority or function of the commission;

(3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the commission shall make public a copy of the vote to close the meeting revealing the vote of each commissioner with no proxy votes allowed;

(4) Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the commission;

(5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar law of any compact state, the bylaws shall exclusively govern the personnel policies and programs of the commission;

(6) Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees;

(7) Providing a mechanism for concluding the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment or reserving of all of its debts and obligations.

5. (1) The commission shall publish its bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the compact states;

(2) The commission shall maintain its financial records in accordance with the bylaws; and

(3) The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.

6. The commission shall have the following powers:

(1) The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rule shall have the force and effect of law and shall be binding in all compact states;

(2) To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;

(3) To purchase and maintain insurance and bonds;

(4) To borrow, accept or contract for services of personnel, including, but not limited to, employees of a compact state;

(5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(6) To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the commission shall strive to avoid any appearance of impropriety or conflict of interest;

(7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall strive to avoid any appearance of impropriety;

(8) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall strive to avoid any appearance of impropriety;

(9) To establish a budget and make expenditures;

(10) To borrow money;

(11) To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

(12) To provide and receive information from, and to cooperate with, law enforcement agencies;

(13) To adopt and use an official seal; and

(14) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice and telepsychology practice.

7. (1) The elected officers shall serve as the executive board, which shall have the power to act on behalf of the commission according to the terms of this compact.

(2) The executive board shall be comprised of six members:

(a) Five voting members who are elected from the current membership of the commission by the commission;

(b) One ex officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities.

(3) The ex officio member shall have served as staff or member on a state psychology regulatory authority and will be selected by its respective organization.

(4) The commission may remove any member of the executive board as provided in bylaws.

(5) The executive board shall meet at least annually.

(6) The executive board shall have the following duties and responsibilities:

(a) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact states such as annual dues, and any other applicable fees;

(b) Ensure compact administration services are appropriately provided, contractual or otherwise;

(c) Prepare and recommend the budget;

(d) Maintain financial records on behalf of the commission;

(e) Monitor compact compliance of member states and provide compliance reports to the commission;

(f) Establish additional committees as necessary; and

(g) Other duties as provided in rules or bylaws.

8. (1) The commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.

(3) The commission may levy on and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff which shall be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission which shall promulgate a rule binding upon all compact states.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the compact states, except by and with the authority of the compact state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

9. (1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

337.150. 1. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

2. If a majority of the legislatures of the compact states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compact state.

3. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

4. Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the website of the commission; and

(2) On the website of each compact states' psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.

5. The notice of proposed rulemaking shall include:

(1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

(2) The text of the proposed rule or amendment and the reason for the proposed rule;

(3) A request for comments on the proposed rule from any interested person;

(4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

6. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

7. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

(1) At least twenty-five persons who submit comments independently of each other;

(2) A governmental subdivision or agency; or

(3) A duly appointed person in an association that has at least twenty-five members.

8. (1) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing.

(2) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(3) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(4) No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subdivision shall not preclude the commission from making a transcript or recording of the hearing if it so chooses.

(5) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

9. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

10. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

11. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

12. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety, or welfare;

(2) Prevent a loss of commission or compact state funds;

(3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

(4) Protect public health and safety.

13. (1) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule.

(2) A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

337.155. 1. (1) The executive, legislative and judicial branches of state government in each compact state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a compact state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the commission.

(3) The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact or promulgated rules.

2. (1) If the commission determines that a compact state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(a) Provide written notice to the defaulting state and other compact states of the nature of the default, the proposed means of remedying the default or any other action to be taken by the commission; and

(b) Provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to remedy the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compact states, and all rights, privileges and benefits

conferred by this compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the compact states.

(4) A compact state which has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.

(5) The commission shall not bear any costs incurred by the state which is found to be in default or which has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(6) The defaulting state may appeal the action of the commission by petitioning the U.S. District Court for the state of Georgia or the federal district where the compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. (1) Upon request by a compact state, the commission shall attempt to resolve disputes related to the compact which arise among compact states and between compact and noncompact states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.

4. (1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States District Court for the State of Georgia or the federal district where the compact has its principal offices against a compact state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

337.160. 1. The compact shall come into effect on the date on which the compact is enacted into law in the seventh compact state. The provisions which become effective at that time shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

2. Any state which joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule which has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

3. (1) Any compact state may withdraw from this compact by enacting a statute repealing the same.

(2) A compact state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(3) Withdrawal shall not affect the continuing requirement of the withdrawing state's psychology regulatory authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

4. Nothing contained in this compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a compact state and a noncompact state which does not conflict with the provisions of this compact.

5. This compact may be amended by the compact states. No amendment to this compact shall become effective and binding upon any compact state until it is enacted into the law of all compact states.

337.165. This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining compact states."; and

Further amend said bill, Page 13, Section 337.718, Line 14, by inserting after all of said line the following:

"Section B. Sections 337.100, 337.105, 337.110, 337.115, 337.120, 337.125, 337.130, 337.135, 337.140, 337.145, 337.150, 337.155, 337.160, and 337.165 shall become effective upon notification by the commission to the revisor of statutes that seven states have adopted the psychology interjurisdictional compact."; and

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

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

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

House Amendment No. 3

AMEND House Bill No. 1419, Page 1, Section A, Line 4, by inserting immediately after said section and line the following:

"173.2530 1. For purposes of this section, the term "student counseling facility" means any entity that provides confidential mental health counseling, psychiatric services, or developmental counseling to college students that is located on campus or is associated with an institution of higher education and operates in accordance with state and federal law pertaining to mental health professionals as well as applicable professional and ethical codes.

2. Beginning in the 2020-21 school year, and continuing on an annual basis thereafter, each public four-year institution of higher education shall publish a report measuring compliance with the standards promulgated by the International Association of Counseling Services relating to mental health services provided on college campuses. If an institution does not meet such standards, the institution shall conduct a needs assessment among student counseling facilities. All reports required under this section shall be prominently published on an institution's website and made available to the public.

3. 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, 2018, shall be invalid and void."; and

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

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

On motion of Representative Haefner, **HB 1419, as amended**, was ordered perfected and printed.

HB 1275, relating to the establishment of a work-study program, was taken up by Representative Kendrick.

On motion of Representative Kendrick, the title of **HB 1275** was agreed to.

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

House Amendment No. 1

AMEND House Bill No. 1275, Page 2, Section 173.1545, Line 47, by deleting the phrase "**RSMo**"; and

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

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

On motion of Representative Kendrick, **HB 1275, as amended**, was ordered perfected and printed.

HB 1629, relating to the licensure of psychologists, was taken up by Representative Evans.

On motion of Representative Evans, the title of **HB 1629** was agreed to.

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

House Amendment No. 1

AMEND House Bill No. 1629, Page 6, Section 337.033, Line 57, by inserting after all of said section and line the following:

"337.100. 1. Sections 337.100 to 337.165 shall be known as the "Psychology Interjurisdictional Compact". The party states find that:

- (1) States license psychologists, in order to protect the public through verification of education, training and experience and ensure accountability for professional practice;**
- (2) This compact is intended to regulate the day to day practice of telepsychology, the provision of psychological services using telecommunication technologies, by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority;**
- (3) This compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for thirty days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority;**
- (4) This compact is intended to authorize state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of the compact, to psychologists licensed in another state;**
- (5) This compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety;**
- (6) This compact does not apply when a psychologist is licensed in both the home and receiving states; and**
- (7) This compact does not apply to permanent in-person, face-to-face practice, it does allow for authorization of temporary psychological practice.**

2. The general purposes of this compact are to:

- (1) Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state which the psychologist is not licensed to practice psychology;**
- (2) Enhance the states' ability to protect the public's health and safety, especially client/patient safety;**
- (3) Encourage the cooperation of compact states in the areas of psychology licensure and regulation;**
- (4) Facilitate the exchange of information between compact states regarding psychologist licensure, adverse actions and disciplinary history;**
- (5) Promote compliance with the laws governing psychological practice in each compact state; and**
- (6) Invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.**

337.105. As used in this compact, the following terms shall mean:

- (1) "Adverse action", any action taken by a state psychology regulatory authority which finds a violation of a statute or regulation that is identified by the state psychology regulatory authority as discipline and is a matter of public record;**

(2) "Association of State and Provincial Psychology Boards (ASPPB)", the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada;

(3) "Authority to practice interjurisdictional telepsychology", a licensed psychologist's authority to practice telepsychology, within the limits authorized under this compact, in another compact state;

(4) "Bylaws", those bylaws established by the psychology interjurisdictional compact commission pursuant to section 337.145 for its governance, or for directing and controlling its actions and conduct;

(5) "Client/patient", the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, or consulting services;

(6) "Commissioner", the voting representative appointed by each state psychology regulatory authority pursuant to section 337.145;

(7) "Compact state", a state, the District of Columbia, or United States territory that has enacted this compact legislation and which has not withdrawn pursuant to subsection 3 of section 337.160 or been terminated pursuant to subsection 2 of section 337.155;

(8) "Coordinated licensure information system" also referred to as "coordinated database", an integrated process for collecting, storing, and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of state and provincial psychology regulatory authorities;

(9) "Confidentiality", the principle that data or information is not made available or disclosed to unauthorized persons or processes;

(10) "Day", any part of a day in which psychological work is performed;

(11) "Distant state", the compact state where a psychologist is physically present, not through the use of telecommunications technologies, to provide temporary in-person, face-to-face psychological services;

(12) "E.Passport", a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines;

(13) "Executive board", a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission;

(14) "Home state", a compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one compact state and is practicing under the authorization to practice interjurisdictional telepsychology, the home state is the compact state where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one compact state and is practicing under the temporary authorization to practice, the home state is any compact state where the psychologist is licensed;

(15) "Identity history summary", a summary of information retained by the Federal Bureau of Investigation, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military service;

(16) "In-person, face-to-face", interactions in which the psychologist and the client/patient are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies;

(17) "Interjurisdictional practice certificate (IPC)", a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the state psychology regulatory authority of intention to practice temporarily, and verification of one's qualifications for such practice;

(18) "License", authorization by a state psychology regulatory authority to engage in the independent practice of psychology, which would be unlawful without the authorization;

(19) "Noncompact state", any state which is not at the time a compact state;

(20) "Psychologist", an individual licensed for the independent practice of psychology;

(21) "Psychology interjurisdictional compact commission" also referred to as "commission", the national administration of which all compact states are members;

(22) "Receiving state", a compact state where the client/patient is physically located when the telepsychological services are delivered;

(23) "Rule", a written statement by the psychology interjurisdictional compact commission promulgated pursuant to section 337.150 of the compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice

requirement of the commission and has the force and effect of statutory law in a compact state, and includes the amendment, repeal or suspension of an existing rule;

(24) "Significant investigatory information":

(a) Investigative information that a state psychology regulatory authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or

(b) Investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and had an opportunity to respond;

(25) "State", a state, commonwealth, territory, or possession of the United States, the District of Columbia;

(26) "State psychology regulatory authority", the board, office or other agency with the legislative mandate to license and regulate the practice of psychology;

(27) "Telepsychology", the provision of psychological services using telecommunication technologies;

(28) "Temporary authorization to practice", a licensed psychologist's authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this compact, in another compact state;

(29) "Temporary in-person, face-to-face practice", where a psychologist is physically present, not through the use of telecommunications technologies, in the distant state to provide for the practice of psychology for thirty days within a calendar year and based on notification to the distant state.

337.110. 1. The home state shall be a compact state where a psychologist is licensed to practice psychology.

2. A psychologist may hold one or more compact state licenses at a time. If the psychologist is licensed in more than one compact state, the home state is the compact state where the psychologist is physically present when the services are delivered as authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

3. Any compact state may require a psychologist not previously licensed in a compact state to obtain and retain a license to be authorized to practice in the compact state under circumstances not authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

4. Any compact state may require a psychologist to obtain and retain a license to be authorized to practice in a compact state under circumstances not authorized by temporary authorization to practice under the terms of this compact.

5. A home state's license authorizes a psychologist to practice in a receiving state under the authority to practice interjurisdictional telepsychology only if the compact state:

(1) Currently requires the psychologist to hold an active E.Passport;

(2) Has a mechanism in place for receiving and investigating complaints about licensed individuals;

(3) Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

(4) Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than ten years after activation of the compact; and

(5) Complies with the bylaws and rules of the commission.

6. A home state's license grants temporary authorization to practice to a psychologist in a distant state only if the compact state:

(1) Currently requires the psychologist to hold an active IPC;

(2) Has a mechanism in place for receiving and investigating complaints about licensed individuals;

(3) Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

(4) Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than ten years after activation of the compact; and

(5) Complies with the bylaws and rules of the commission.

337.115. 1. Compact states shall recognize the right of a psychologist, licensed in a compact state in conformance with section 337.110, to practice telepsychology in receiving states in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology as provided in the compact.

2. To exercise the authority to practice interjurisdictional telepsychology under the terms and provisions of this compact, a psychologist licensed to practice in a compact state shall:

(1) Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

(a) Regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or

(b) A foreign college or university deemed to be equivalent to the requirements of paragraph (a) of this subdivision by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service;

(2) Hold a graduate degree in psychology that meets the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

(b) The psychology program shall stand as a recognizable, coherent, organizational entity within the institution;

(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) The program shall consist of an integrated, organized sequence of study;

(e) There shall be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

(f) The designated director of the program shall be a psychologist and a member of the core faculty;

(g) The program shall have an identifiable body of students who are matriculated in that program for a degree;

(h) The program shall include supervised practicum, internship, or field training appropriate to the practice of psychology;

(i) The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degree and a minimum of one academic year of full-time graduate study for master's degree;

(j) The program includes an acceptable residency as defined by the rules of the commission;

(3) Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;

(4) Have no history of adverse action that violate the rules of the commission;

(5) Have no criminal record history reported on an identity history summary that violates the rules of the commission;

(6) Possess a current, active E.Passport;

(7) Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the commission; and

(8) Meet other criteria as defined by the rules of the commission.

3. The home state maintains authority over the license of any psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology.

4. A psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology will be subject to the receiving state's scope of practice. A receiving state may, in accordance with that state's due process law, limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions under the receiving state's applicable law to protect the health and safety of the receiving state's citizens. If a receiving state takes action, the state shall promptly notify the home state and the commission.

5. If a psychologist's license in any home state, another compact state, or any authority to practice interjurisdictional telepsychology in any receiving state, is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.

337.120. 1. Compact states shall also recognize the right of a psychologist, licensed in a compact state in conformance with section 337.110, to practice temporarily in distant states in which the psychologist is not licensed, as provided in the compact.

2. To exercise the temporary authorization to practice under the terms and provisions of this compact, a psychologist licensed to practice in a compact state shall:

(1) Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

(a) Regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or

(b) A foreign college or university deemed to be equivalent to the requirements of paragraph (a) of this subdivision by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service;

(2) Hold a graduate degree in psychology that meets the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

(b) The psychology program shall stand as a recognizable, coherent, organizational entity within the institution;

(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) The program shall consist of an integrated, organized sequence of study;

(e) There shall be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

(f) The designated director of the program shall be a psychologist and a member of the core faculty;

(g) The program shall have an identifiable body of students who are matriculated in that program for a degree;

(h) The program shall include supervised practicum, internship, or field training appropriate to the practice of psychology;

(i) The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degree;

(j) The program includes an acceptable residency as defined by the rules of the commission;

(3) Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;

(4) No history of adverse action that violate the rules of the commission;

(5) No criminal record history that violates the rules of the commission;

(6) Possess a current, active IPC;

(7) Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the commission; and

(8) Meet other criteria as defined by the rules of the commission.

3. A psychologist practicing into a distant state under the temporary authorization to practice shall practice within the scope of practice authorized by the distant state.

4. A psychologist practicing into a distant state under the temporary authorization to practice will be subject to the distant state's authority and law. A distant state may, in accordance with that state's due process law, limit or revoke a psychologist's temporary authorization to practice in the distant state and may take any other necessary actions under the distant state's applicable law to protect the health and safety of the distant state's citizens. If a distant state takes action, the state shall promptly notify the home state and the commission.

5. If a psychologist's license in any home state, another compact state, or any temporary authorization to practice in any distant state, is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a compact state under the temporary authorization to practice.

337.125. A psychologist may practice in a receiving state under the authority to practice interjurisdictional telepsychology only in the performance of the scope of practice for psychology as assigned

by an appropriate state psychology regulatory authority, as defined in the rules of the commission, and under the following circumstances:

- (1) The psychologist initiates a client/patient contact in a home state via telecommunications technologies with a client/patient in a receiving state;
- (2) Other conditions regarding telepsychology as determined by rules promulgated by the commission.

337.130. 1. A home state shall have the power to impose adverse action against a psychologist's license issued by the home state. A distant state shall have the power to take adverse action on a psychologist's temporary authorization to practice within that distant state.

2. A receiving state may take adverse action on a psychologist's authority to practice interjurisdictional telepsychology within that receiving state. A home state may take adverse action against a psychologist based on an adverse action taken by a distant state regarding temporary in-person, face-to-face practice.

3. (1) If a home state takes adverse action against a psychologist's license, that psychologist's authority to practice interjurisdictional telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's temporary authorization to practice is terminated and the IPC is revoked.

(2) All home state disciplinary orders which impose adverse action shall be reported to the commission in accordance with the rules promulgated by the commission. A compact state shall report adverse actions in accordance with the rules of the commission.

(3) In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the commission.

(4) Other actions may be imposed as determined by the rules promulgated by the commission.

4. A home state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a receiving state as it would if such conduct had occurred by a licensee within the home state. In such cases, the home state's law shall control in determining any adverse action against a psychologist's license.

5. A distant state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under temporary authorization practice which occurred in that distant state as it would if such conduct had occurred by a licensee within the home state. In such cases, distant state's law shall control in determining any adverse action against a psychologist's temporary authorization to practice.

6. Nothing in this compact shall override a compact state's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the compact state's law. Compact states shall require psychologists who enter any alternative programs to not provide telepsychology services under the authority to practice interjurisdictional telepsychology or provide temporary psychological services under the temporary authorization to practice in any other compact state during the term of the alternative program.

7. No other judicial or administrative remedies shall be available to a psychologist in the event a compact state imposes an adverse action pursuant to subsection 3 of this section.

337.135. 1. In addition to any other powers granted under state law, a compact state's psychology regulatory authority shall have the authority under this compact to:

(1) Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a compact state's psychology regulatory authority for the attendance and testimony of witnesses, or the production of evidence from another compact state shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence are located; and

(2) Issue cease and desist or injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice.

2. During the course of any investigation, a psychologist may not change his or her home state licensure. A home state psychology regulatory authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The home state psychology regulatory authority shall promptly report the conclusions of such investigations to the commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his or her home state licensure. The commission shall promptly notify the new home state of any such

decisions as provided in the rules of the commission. All information provided to the commission or distributed by compact states pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The commission may create additional rules for mandated or discretionary sharing of information by compact states.

337.140. 1. The commission shall provide for the development and maintenance of a coordinated licensure information system "coordinated database" and reporting system containing licensure and disciplinary action information on all psychologist individuals to whom this compact is applicable in all compact states as defined by the rules of the commission.

2. Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform data set to the coordinated database on all licensees as required by the rules of the commission, including:

- (1) Identifying information;
- (2) Licensure data;
- (3) Significant investigatory information;
- (4) Adverse actions against a psychologist's license;
- (5) An indicator that a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice is revoked;
- (6) Nonconfidential information related to alternative program participation information;
- (7) Any denial of application for licensure, and the reasons for such denial; and
- (8) Other information which may facilitate the administration of this compact, as determined by the rules of the commission.

3. The coordinated database administrator shall promptly notify all compact states of any adverse action taken against, or significant investigative information on, any licensee in a compact state.

4. Compact states reporting information to the coordinated database may designate information that may not be shared with the public without the express permission of the compact state reporting the information.

5. Any information submitted to the coordinated database that is subsequently required to be expunged by the law of the compact state reporting the information shall be removed from the coordinated database.

337.145. 1. The compact states hereby create and establish a joint public agency known as the psychology interjurisdictional compact commission.

- (1) The commission is a body politic and an instrumentality of the compact states.
- (2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.
- (3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

2. The commission shall consist of one voting representative appointed by each compact state who shall serve as that state's commissioner. The state psychology regulatory authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the compact state. This delegate shall be limited to:

- (1) Executive director, executive secretary or similar executive;
- (2) Current member of the state psychology regulatory authority of a compact state; or
- (3) Designee empowered with the appropriate delegate authority to act on behalf of the compact state.

3. (1) Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the compact state in which the vacancy exists.

(2) Each commissioner shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners' participation in meetings by telephone or other means of communication.

(3) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(4) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 337.150.

- (5) The commission may convene in a closed, nonpublic meeting if the commission shall discuss:
- (a) Noncompliance of a compact state with its obligations under the compact;
 - (b) The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;
 - (c) Current, threatened, or reasonably anticipated litigation against the commission;
 - (d) Negotiation of contracts for the purchase or sale of goods, services or real estate;
 - (e) Accusation against any person of a crime or formally censuring any person;
 - (f) Disclosure of trade secrets or commercial or financial information which is privileged or confidential;
 - (g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
 - (h) Disclosure of investigatory records compiled for law enforcement purposes;
 - (i) Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the compact;
 - (j) Matters specifically exempted from disclosure by federal and state statute.

(6) If a meeting, or portion of a meeting, is closed pursuant to subdivision (5) of subsection 3 of this section, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

4. The commission shall, by a majority vote of the commissioners, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including but not limited to:

- (1) Establishing the fiscal year of the commission;
- (2) Providing reasonable standards and procedures:
 - (a) For the establishment and meetings of other committees; and
 - (b) Governing any general or specific delegation of any authority or function of the commission;
- (3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the commission shall make public a copy of the vote to close the meeting revealing the vote of each commissioner with no proxy votes allowed;

(4) Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the commission;

(5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar law of any compact state, the bylaws shall exclusively govern the personnel policies and programs of the commission;

(6) Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees;

(7) Providing a mechanism for concluding the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment or reserving of all of its debts and obligations.

5. (1) The commission shall publish its bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the compact states;

(2) The commission shall maintain its financial records in accordance with the bylaws; and

(3) The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.

6. The commission shall have the following powers:

(1) The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rule shall have the force and effect of law and shall be binding in all compact states;

(2) To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;

(3) To purchase and maintain insurance and bonds;

(4) To borrow, accept or contract for services of personnel, including, but not limited to, employees of a compact state;

(5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(6) To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the commission shall strive to avoid any appearance of impropriety or conflict of interest;

(7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall strive to avoid any appearance of impropriety;

(8) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall strive to avoid any appearance of impropriety;

(9) To establish a budget and make expenditures;

(10) To borrow money;

(11) To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

(12) To provide and receive information from, and to cooperate with, law enforcement agencies;

(13) To adopt and use an official seal; and

(14) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice and telepsychology practice.

7. (1) The elected officers shall serve as the executive board, which shall have the power to act on behalf of the commission according to the terms of this compact.

(2) The executive board shall be comprised of six members:

(a) Five voting members who are elected from the current membership of the commission by the commission;

(b) One ex officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities.

(3) The ex officio member shall have served as staff or member on a state psychology regulatory authority and will be selected by its respective organization.

(4) The commission may remove any member of the executive board as provided in bylaws.

(5) The executive board shall meet at least annually.

(6) The executive board shall have the following duties and responsibilities:

(a) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact states such as annual dues, and any other applicable fees;

(b) Ensure compact administration services are appropriately provided, contractual or otherwise;

(c) Prepare and recommend the budget;

(d) Maintain financial records on behalf of the commission;

(e) Monitor compact compliance of member states and provide compliance reports to the commission;

(f) Establish additional committees as necessary; and

(g) Other duties as provided in rules or bylaws.

8. (1) The commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.

(3) The commission may levy on and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff which shall be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission which shall promulgate a rule binding upon all compact states.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the compact states, except by and with the authority of the compact state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

9. (1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

337.150. 1. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

2. If a majority of the legislatures of the compact states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compact state.

3. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

4. Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the website of the commission; and

(2) On the website of each compact states' psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.

5. The notice of proposed rulemaking shall include:

(1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

(2) The text of the proposed rule or amendment and the reason for the proposed rule;

(3) A request for comments on the proposed rule from any interested person;

(4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

6. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

7. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

- (1) At least twenty-five persons who submit comments independently of each other;
- (2) A governmental subdivision or agency; or
- (3) A duly appointed person in an association that has at least twenty-five members.

8. (1) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing.

(2) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(3) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(4) No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subdivision shall not preclude the commission from making a transcript or recording of the hearing if it so chooses.

(5) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

9. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

10. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

11. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

12. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately in order to:

- (1) Meet an imminent threat to public health, safety, or welfare;
- (2) Prevent a loss of commission or compact state funds;
- (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
- (4) Protect public health and safety.

13. (1) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule.

(2) A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

337.155. 1. (1) The executive, legislative and judicial branches of state government in each compact state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a compact state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the commission.

(3) The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact or promulgated rules.

2. (1) If the commission determines that a compact state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(a) Provide written notice to the defaulting state and other compact states of the nature of the default, the proposed means of remedying the default or any other action to be taken by the commission; and
(b) Provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to remedy the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compact states, and all rights, privileges and benefits conferred by this compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the compact states.

(4) A compact state which has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.

(5) The commission shall not bear any costs incurred by the state which is found to be in default or which has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(6) The defaulting state may appeal the action of the commission by petitioning the U.S. District Court for the state of Georgia or the federal district where the compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. (1) Upon request by a compact state, the commission shall attempt to resolve disputes related to the compact which arise among compact states and between compact and noncompact states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.

4. (1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States District Court for the State of Georgia or the federal district where the compact has its principal offices against a compact state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

337.160. 1. The compact shall come into effect on the date on which the compact is enacted into law in the seventh compact state. The provisions which become effective at that time shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

2. Any state which joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule which has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

3. (1) Any compact state may withdraw from this compact by enacting a statute repealing the same.

(2) A compact state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(3) Withdrawal shall not affect the continuing requirement of the withdrawing state's psychology regulatory authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

4. Nothing contained in this compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a compact state and a noncompact state which does not conflict with the provisions of this compact.

5. This compact may be amended by the compact states. No amendment to this compact shall become effective and binding upon any compact state until it is enacted into the law of all compact states.

337.165. This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining compact states.

Section B. Sections 337.100, 337.105, 337.110, 337.115, 337.120, 337.125, 337.130, 337.135, 337.140, 337.145, 337.150, 337.155, 337.160, and 337.165 of this act shall become effective upon notification by the commission to the revisor of statutes that seven states have adopted the psychology interjurisdictional compact."; and

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

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

Representative Vescovo moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Anderson	Andrews	Austin	Bahr	Barnes 60
Basye	Berry	Black	Bondon	Brattin
Christofanelli	Conway 104	Corlew	Cornejo	Cross
Curtman	Davis	DeGroot	Dinkins	Dogan
Dohrman	Eggleston	Evans	Fitzwater	Francis
Franklin	Frederick	Gregory	Haahr	Haefner
Hannegan	Hansen	Helms	Henderson	Houx
Hurst	Johnson	Justus	Kelley 127	Kelly 141
Knight	Kolkmeyer	Korman	Lant	Lichtenegger
Love	Lynch	Marshall	Mathews	McGaugh
Messenger	Moon	Morris 140	Morse 151	Neely
Phillips	Pike	Plocher	Pogue	Redmon
Reiboldt	Reisch	Remole	Rhoads	Roden
Rone	Ross	Rowland 155	Schroer	Shaul 113
Shull 16	Shumake	Smith 163	Sommer	Spencer
Swan	Tate	Taylor	Trent	Walker 3
Walsh	White	Wilson	Wood	Mr. Speaker

NOES: 040

Adams	Anders	Arthur	Bangert	Baringer
Barnes 28	Beck	Brown 27	Burnett	Burns
Carpenter	Curtis	Ellebracht	Ellington	Franks Jr
Gray	Harris	Kendrick	Lavender	May
McCann Beatty	McCreery	McGee	Meredith 71	Merideth 80
Mitten	Morgan	Mosley	Peters	Quade
Revis	Roberts	Rowland 29	Runions	Smith 85
Stevens 46	Unsicker	Walker 74	Washington	Wessels

PRESENT: 000

ABSENT WITH LEAVE: 036

Alferman	Beard	Bernskoetter	Brown 57	Butler
Chipman	Conway 10	Cookson	Engler	Fitzpatrick
Fraker	Gannon	Green	Grier	Higdon
Hill	Houghton	Kidd	Lauer	Matthiesen
McDaniel	Miller	Muntzel	Newman	Nichols

Pfautsch
Roerber
Wiemann

Pierson Jr
Ruth

Pietzman
Stacy

Razer
Stephens 128

Rehder
Vescovo

VACANCIES: 002

On motion of Representative Evans, **HB 1629, as amended**, was ordered perfected and printed.

HB 1252, relating to low-dose mammography screening, was taken up by Representative Plocher.

On motion of Representative Plocher, the title of **HB 1252** was agreed to.

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

House Amendment No. 1

AMEND House Bill No. 1252, Page 2, Section 376.782, Lines 22 through 25, by deleting all of said lines and inserting in lieu thereof the following:

~~"(2) [A mammogram for women age forty to forty nine, inclusive, every two years or more frequently based on the recommendation of the patient's physician;~~

~~(3)] A mammogram every year for women age [fifty] **forty** and over;~~

~~[(4)] (3) A mammogram for any woman, upon the recommendation of a physician, where"; and~~

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

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

On motion of Representative Plocher, **HB 1252, as amended**, was ordered perfected and printed.

HCS HB 1261, relating to professional registration, was taken up by Representative Schroer.

On motion of Representative Schroer, the title of **HCS HB 1261** was agreed to.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1261, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

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

(1) **"Licensing requirement", any required training, education, or fee to work in a specific occupation or profession;**

(2) **"Occupational fee", a tax on or fee, including any application or renewal fee, for a professional license. "Occupational fee" shall not include a fee imposed by a political subdivision to obtain or renew a business license;**

(3) **"Political subdivision", any city, town, village, or county.**

2. No political subdivision of this state shall impose any occupational fees or licensing requirements on any occupation or profession that is already subject to licensing requirements by the state after August 28, 2018."; and

Further amend said bill, Page 2, Section 324.015, Line 43, by inserting after all of said section and line the following:

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

- (1) "Licensing authority", any agency, examining board, credentialing board, or other office with the authority to impose occupational fees or licensing requirements on any occupation or profession;**
- (2) "Licensing requirement", any required training, education, or fee to work in a specific occupation or profession;**
- (3) "Lobbyist", the same meaning given to the term in section 105.470;**
- (4) "Occupational fee", a tax on or fee, including any application or renewal fee, for a professional license. "Occupational fee" shall not include a fee imposed by a political subdivision to obtain or renew a business license.**

2. State licensing authorities shall not contract for pay, or otherwise compensate any lobbyist to lobby on their behalf; except this section shall not be construed to prohibit, limit, preclude, or deprive any officer or employee of a department or agency from exercising the department's or agency's individual right to communicate with members of the general assembly through proper official channels at the request of a member or to request legislative action or appropriations that are deemed necessary for the efficient conduct of public business or actually made in the proper performance of his or her official duties, including testifying before the general assembly or any committee thereof for information purposes.

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

- (1) "Criminal offense", any type of felony conviction or misdemeanor conviction;**
- (2) "Licensing authority", any agency, examining board, credentialing board, or other office with the authority to impose occupational fees or licensing requirements on any occupation or profession;**
- (3) "Licensing requirement", any required training, education, or fee to work in a specific occupation or profession;**
- (4) "Occupational fee", a tax on or fee, including any application or renewal fee, for a professional license. "Occupational fee" shall not include a fee imposed by a political subdivision to obtain or renew a business license;**
- (5) "Political subdivision", any city, town, village, or county.**

2. All state and political subdivision licensing authorities shall revise their existing licensing requirements to explicitly list the specific criminal offenses, civil penalties or judgments, or disciplinary actions taken by other licensing authorities that may disqualify an applicant from receiving a license. Such lists shall be made available to the public.

3. Any requirement of a state or political subdivision licensing authority that assesses the character or moral fitness of the applicant for licensure shall be limited to consideration of the criminal offenses, civil penalties or judgments, or disciplinary actions taken by other licensing authorities contained in the list developed by the licensing authority under subsection 2 of this section. If an applicant is denied licensure because such applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any criminal offenses contained in the list developed by the licensing authority under subsection 2 of this section, or because the applicant has been subject to any civil penalties or judgments, or disciplinary actions taken by other licensing authorities, the applicant may appeal such decision and request a hearing before the licensing authority, and the licensing authority may, at its discretion, reverse its initial decision.

4. A licensing authority shall include in the list described under subsection 2 of this section only criminal offenses, civil penalties or judgments, or disciplinary actions taken by other licensing authorities that directly relate to the duties and responsibilities of the occupation or profession it regulates.

5. All licensing authorities shall meet the requirements of subsections 2 to 4 of this section within ten months of the effective date of this section.

6. If the state, on or after August 28, 2018, requires a license to practice an occupation or profession for which no license was required by the state before August 28, 2018, the state licensing authority for that occupation or profession shall establish a list of disqualifying criminal offenses in accordance with the

requirements of subsections 2 and 4 of this section and ensure that its consideration of character or moral fitness is limited as described under subsection 3 of this section.

7. State licensing authorities shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void."; and

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

Speaker Richardson resumed the Chair.

Representative Vescovo moved the previous question.

Which motion was adopted by the following vote:

AYES: 089

Alferman	Anderson	Andrews	Bahr	Basye
Bernskoetter	Berry	Black	Brattin	Brown 57
Chipman	Conway 104	Cookson	Corlew	Cornejo
Cross	Curtman	Davis	DeGroot	Dinkins
Dogan	Dohrman	Eggleston	Engler	Evans
Fitzpatrick	Fraker	Francis	Frederick	Gannon
Gregory	Haahr	Haefner	Hannegan	Hansen
Helms	Henderson	Hill	Houx	Hurst
Johnson	Justus	Kelley 127	Kelly 141	Knight
Korman	Lant	Lichtenegger	Love	Lynch
Marshall	Mathews	McGaugh	Messenger	Moon
Morris 140	Morse 151	Muntzel	Pfautsch	Pietzman
Pike	Plocher	Pogue	Redmon	Reiboldt
Reisch	Remole	Roden	Rone	Ross
Rowland 155	Ruth	Schroer	Shaul 113	Shull 16
Shumake	Smith 163	Stephens 128	Swan	Tate
Taylor	Trent	Vescovo	Walker 3	Walsh
White	Wilson	Wood	Mr. Speaker	

NOES: 036

Adams	Anders	Bangert	Baringer	Barnes 28
Beck	Brown 27	Burnett	Burns	Carpenter
Conway 10	Ellebracht	Ellington	Franks Jr	Gray
Harris	Kendrick	Lavender	May	McCann Beatty
McCreery	McGee	Meredith 71	Merideth 80	Morgan
Mosley	Quade	Razer	Revis	Roberts
Rowland 29	Runions	Stevens 46	Unsicker	Walker 74
Washington				

PRESENT: 000

ABSENT WITH LEAVE: 036

Arthur	Austin	Barnes 60	Beard	Bondon
Butler	Christofanelli	Curtis	Fitzwater	Franklin
Green	Grier	Higdon	Houghton	Kidd

Kolkmeier	Lauer	Matthiesen	McDaniel	Miller
Mitten	Neely	Newman	Nichols	Peters
Phillips	Pierson Jr	Rehder	Rhoads	Roeber
Smith 85	Sommer	Spencer	Stacy	Wessels
Wiemann				

VACANCIES: 002

On motion of Representative Helms, **House Amendment No. 1** was adopted by the following vote, the ayes and noes having been demanded pursuant to Article III, Section 26 of the Constitution:

AYES: 074

Alferman	Anderson	Andrews	Bahr	Basye
Bernskoetter	Black	Brattin	Brown 57	Chipman
Cornejo	Cross	Curtman	DeGroot	Dinkins
Dogan	Dohrman	Eggleston	Ellington	Evans
Fitzpatrick	Fraker	Francis	Franklin	Frederick
Gregory	Haahr	Hannegan	Hansen	Helms
Henderson	Hill	Houghton	Houx	Hurst
Johnson	Justus	Kelley 127	Kelly 141	Knight
Kolkmeier	Lant	Lichtenegger	Love	Mathews
McDaniel	McGaugh	Messenger	Moon	Morris 140
Muntzel	Pietzman	Pike	Plocher	Reiboldt
Reisch	Remole	Roden	Roeber	Rone
Ross	Rowland 155	Rowland 29	Schroer	Shaul 113
Smith 163	Stephens 128	Tate	Taylor	Trent
Vescovo	Walsh	White	Mr. Speaker	

NOES: 060

Adams	Anders	Arthur	Bangert	Baringer
Barnes 28	Beard	Beck	Berry	Bondon
Brown 27	Burnett	Burns	Butler	Carpenter
Conway 10	Conway 104	Cookson	Corlew	Davis
Ellebracht	Engler	Franks Jr	Gannon	Gray
Haefner	Harris	Higdon	Kendrick	Korman
Lavender	Lynch	Marshall	May	McCann Beatty
McCreery	McGee	Meredith 71	Merideth 80	Morgan
Morse 151	Mosley	Pfautsch	Pogue	Quade
Razer	Redmon	Revis	Roberts	Runions
Ruth	Shull 16	Stevens 46	Swan	Unsicker
Walker 3	Walker 74	Washington	Wessels	Wilson

PRESENT: 000

ABSENT WITH LEAVE: 027

Austin	Barnes 60	Christofanelli	Curtis	Fitzwater
Green	Grier	Kidd	Lauer	Matthiesen
Miller	Mitten	Neely	Newman	Nichols
Peters	Phillips	Pierson Jr	Rehder	Rhoads
Shumake	Smith 85	Sommer	Spencer	Stacy
Wiemann	Wood			

VACANCIES: 002

On motion of Representative Schroer, **HCS HB 1261, as amended**, was adopted.

On motion of Representative Schroer, **HCS HB 1261, as amended**, was ordered perfected and printed.

On motion of Representative Vescovo, the House recessed until 2:45 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Representative Barnes (60).

Representative Austin suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 035

Alferman	Basye	Beck	Bernskoetter	Black
Bondon	Brown 27	Cross	Davis	DeGroot
Engler	Fraker	Francis	Hannegan	Henderson
Hurst	Justus	Kelley 127	Kelly 141	Lauer
Morse 151	Muntzel	Pfautsch	Phillips	Pogue
Redmon	Reiboldt	Reisch	Remole	Rhoads
Roeber	Rowland 29	Taylor	Vescovo	Walsh

NOES: 000

PRESENT: 069

Anderson	Andrews	Arthur	Austin	Bahr
Bangert	Baringer	Barnes 60	Beard	Butler
Carpenter	Christofanelli	Corlew	Dinkins	Dohrman
Eggleston	Ellebracht	Evans	Fitzpatrick	Fitzwater
Franklin	Frederick	Gray	Grier	Haahr
Haefner	Hansen	Harris	Helms	Higdon
Hill	Houx	Johnson	Kendrick	Knight
Kolkmeier	Lant	Lichtenegger	Love	Lynch
Marshall	Mathews	McCann Beatty	McCreery	Meredith 71
Messenger	Miller	Morgan	Mosley	Pike
Revis	Roberts	Roden	Ross	Rowland 155
Ruth	Schroer	Shaul 113	Shull 16	Shumake
Smith 163	Sommer	Stacy	Tate	Trent
Walker 3	Washington	Wiemann	Wilson	

ABSENT WITH LEAVE: 057

Adams	Anders	Barnes 28	Berry	Brattin
Brown 57	Burnett	Burns	Chipman	Conway 10
Conway 104	Cookson	Cornejo	Curtis	Curtman
Dogan	Ellington	Franks Jr	Gannon	Green
Gregory	Houghton	Kidd	Korman	Lavender
Matthiesen	May	McDaniel	McGauth	McGee
Merideth 80	Mitten	Moon	Morris 140	Neely
Newman	Nichols	Peters	Pierson Jr	Pietzman

Plocher	Quade	Razer	Rehder	Rone
Runions	Smith 85	Spencer	Stephens 128	Stevens 46
Swan	Unsicker	Walker 74	Wessels	White
Wood	Mr. Speaker			

VACANCIES: 002

PERFECTION OF HOUSE BILLS

HB 2286, HCS HB 1264, HCS HB 1457, HB 2360, HB 1715, HB 1470, HCS HB 1491, HB 1767, HB 1966, HB 2117, HB 2139, HB 2336, HB 1846, HCS HB 1591, HB 1249, HCS HB 2119, HCS HB 1611, HCS HB 2140, and HB 1485 were placed on the Informal Calendar.

HCS HB 2540, relating to state revenues, was taken up by Representative Haahr.

On motion of Representative Haahr, the title of **HCS HB 2540** agreed to.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 2540, Page 13, Section 32.200, Line 55, by inserting after the words "article IV" the following: "; **except that for tax years beginning on or after January 1, 2019, any taxpayer subject to the tax imposed by section 143.071 shall apportion and allocate in accordance with the provisions of chapter 143 and shall not apportion or allocate in accordance with article IV**"; and

Further amend said bill and section, Page 14, Lines 87-89, by deleting all of said lines and inserting in lieu thereof the following:

"(3) "Compensation" means wages, salaries, commissions and any other form of remuneration paid to employees for personal services.

(4) "Financial organization" means any bank, trust company, savings bank, industrial"; and

Further amend said bill and section, Pages 14-15, Lines 93-105, by renumbering subdivisions accordingly; and

Further amend said bill and section, Pages 16-18, Lines 164-216, by deleting the opening bracket "[" before the number "9." on Line 164 and the closing bracket "]" after the word "income." on Line 216 and removing the strikethrough on all of said lines; and

Further amend said bill, Page 129, Section 143.022, Line 24, by deleting the year "**2017**" and inserting in lieu thereof the year "**2018**"; and

Further amend said bill, Page 131, Section 143.171, Lines 4-5 by deleting said lines and inserting in lieu thereof the following:

"return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit"; and

Further amend said bill, page and section, Line 13, by deleting the following words "**the sum of the following amounts**"; and

Further amend said bill, page and section, Lines 15-26, by deleting each occurrence of the following words "**for such taxable income**"; and

Further amend said bill and section, Page 132, Lines 35-36, by deleting the phrase "**fifty percent of the corporation's federal income tax liability**" and inserting in lieu thereof the phrase "**five thousand dollars on a corporation's tax return**"

Further amend said bill, page and section, Line 37, by deleting the following words "**the sum of the following amounts**"; and

Further amend said bill, page and section, Lines 39-50, by deleting each occurrence of the following words "**for such taxable income**"; and

Further amend said bill, Page 134, Section 143.225, Line 47, by inserting after all of said section and line the following:

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

2. **For all tax years beginning on or before December 31, 2018**, a corporation described in subdivision (1) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income from sources within this state, including that from the transaction of business in this state and that from the transaction of business partly done in this state and partly done in another state or states. However:

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

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

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

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

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

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

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

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

(d) For purposes of this subdivision:

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

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

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

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

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

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

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

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

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

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

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

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

c. In the case of sale of a service, if and to the extent the ultimate beneficiary of the service is located in this state and shall not be in this state if the ultimate beneficiary of the service rendered by the taxpayer or the taxpayer's designee is located outside this state; and

d. In the case of intangible property:

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

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

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

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

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

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

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

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

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

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

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

(c) "Distribution services" include, but are not limited to, the services of advertising, servicing, marketing, underwriting or selling shares of an investment company, but, in the case of advertising, servicing or marketing shares, only where such service is performed by a person who is, or in the case of a closed end company, was, either

engaged in the services of underwriting or selling investment company shares or affiliated with a person that is engaged in the service of underwriting or selling investment company shares. In the case of an open end company, such service of underwriting or selling shares must be performed pursuant to a contract entered into pursuant to 15 U.S.C. Section 80a-15(b), as from time to time amended;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. The provisions of this section do not impact any other apportionment election available to a taxpayer under Missouri statutes.

143.456. 1. As used in this section, unless the context otherwise requires:

(1) "Apportionable income" means:

(a) All income that is apportionable under the Constitution of the United States and is not allocated under the laws of this state, including:

a. Income arising from transactions and activity in the regular course of the taxpayer's trade or business; and

b. Income arising from tangible and intangible property if the acquisition, management, employment, development or disposition of the property is or was related to the operation of the taxpayer's trade or business; and

(b) Any income that would be allocable to this state under the Constitution of the United States, but that is apportioned rather than allocated under the laws of this state;

(2) "Commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed;

(3) "Financial organization" means any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, credit union, cooperative bank, small loan company, sales finance company, investment company, or any type of insurance company;

(4) "Non-apportionable income" means all income other than apportionable income;

(5) "Public utility" means any business entity:

(a) Which owns or operates any plant, equipment, property, franchise, or license for the transmission of communications, transportation of goods or persons, except by pipeline, or the production, transmission, sale, delivery, or furnishing of electricity, water or steam; and

(b) Whose rates of charges for goods or services have been established or approved by a federal, state or local government or governmental agency;

(6) "Receipts" means all gross receipts of the taxpayer that are not allocated under paragraphs of this section and that are received from transactions and activity in the regular course of the taxpayer's trade or business; except that receipts of a taxpayer from hedging transactions and from the maturity, redemption, sale, exchange, loan or other disposition of cash or securities, shall be excluded.

2. For all tax years beginning on or after January 1, 2019, any corporation having income from business activity which is taxable both within and without this state shall allocate and apportion its net income as provided in this section.

3. For purposes of allocation and apportionment of income under this section, a corporation is taxable in another state if:

(1) In that state it is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax, or

(2) That state has jurisdiction to subject the corporation to a net income tax regardless of whether, in fact, the state does or does not do so.

4. Rents and royalties from real or tangible personal property, capital gains, interest, dividends or patent or copyright royalties, to the extent that they constitute nonapportionable income, shall be allocated as provided in subsections 5 through 8 of this section.

5. (1) Net rents and royalties from real property located in this state are allocable to this state.

(2) Net rents and royalties from tangible personal property are allocable to this state:

(a) If and to the extent the property is utilized in this state, or

(b) In their entirety if the corporation's commercial domicile is in this state and the corporation is not organized under the laws of or taxable in the state in which the property is utilized.

(3) The extent of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the corporation, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payer obtained possession.

6. (1) Capital gains and losses from sales of real property located in this state are allocable to this state.

- (2) Capital gains and losses from sales of tangible personal property are allocable to this state if:
- (a) The property had a situs in this state at the time of the sale, or
 - (b) The corporation's commercial domicile is in this state and the corporation is not taxable in the state in which the property had a situs.
- (3) Capital gains and losses from sales of intangible personal property are allocable to this state if the corporation's commercial domicile is in this state.
7. Interest and dividends are allocable to this state if the corporation's commercial domicile is in this state.
8. (1) Patent and copyright royalties are allocable to this state if and to the extent that:
- (a) The patent or copyright is utilized by the payer in this state, or
 - (b) The patent or copyright is utilized by the payer in a state in which the corporation is not taxable and the corporation's commercial domicile is in this state.
- (2) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state or to the extent that a patented product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the patent is utilized in the state in which the taxpayer's commercial domicile is located.
- (3) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in the state in which the corporation's commercial domicile is located.
9. All apportionable income shall be apportioned to this state by multiplying the income by a fraction, the numerator of which is the total receipts of the taxpayer in this state during the tax period and the denominator of which is the total receipts of the taxpayer everywhere during the tax period.
10. Receipts from the sale of tangible personal property are in this state if:
- (1) The property is delivered or shipped to a purchaser, other than the United States Government, within this state regardless of the f.o.b. point or other conditions of the sale; or
 - (2) The property is shipped from an office, store, warehouse, factory, or other place of storage in this state and:
 - (a) The purchaser is the United States Government or
 - (b) The corporation is not taxable in the state of the purchaser.
11. (1) Receipts, other than receipts described in subsection 10 of this section, are in this state if the corporation's market for the sales is in this state. The corporation's market for sales is in this state in the case of:
- (a) Sale, rental, lease or license of real property, if and to the extent the property is located in this state;
 - (b) Rental, lease or license of tangible personal property, if and to the extent the property is located in this state;
 - (c) Sale of a service, if and to the extent the service is delivered to a location in this state; and
 - (d) Intangible property, that is:
 - a. Rented, leased, or licensed, if and to the extent the property is used in this state, provided that intangible property utilized in marketing a good or service to a consumer is "used in this state" if that good or service is purchased by a consumer who is in this state; and
 - b. Sold, if and to the extent the property is used in this state, provided that:
 - (i) A contract right, government license, or similar intangible property that authorizes the holder to conduct a business activity in a specific geographic area is "used in this state" if the geographic area includes all or part of this state;
 - (ii) Receipts from intangible property sales that are contingent on the productivity, use, or disposition of the intangible property shall be treated as receipts from the rental, lease or licensing of such intangible property under subparagraph a. of paragraph (d) of subdivision (1) of this subsection; and
 - (iii) All other receipts from a sale of intangible property shall be excluded from the numerator and denominator of the receipts factor.
- (2) If the state or states of assignment under subdivision (1) of this subsection cannot be determined, the state or states of assignment shall be reasonably approximated.

(3) If the corporation is not taxable in a state to which a receipt is assigned under subdivision (1) or (2) of this subsection, or if the state of assignment cannot be determined under subdivision (1) of this subsection or reasonably approximated under subdivision (2) of this subsection, such receipt shall be excluded from the numerator and denominator of the receipts factor.

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

12. (1) If the allocation and apportionment provisions of this section do not fairly represent the extent of the taxpayer's business activity in this state, the taxpayer may petition for or the tax administrator may require, in respect to all or any part of the taxpayer's business activity, if reasonable:

- (a) Separate accounting;
- (b) The inclusion of one or more additional factors which will fairly represent the corporation's business activity in this state; or
- (c) The employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

(2) (a) If the allocation and apportionment provisions of this section do not fairly represent the extent of business activity in this state of corporations engaged in a particular industry or in a particular transaction or activity, the tax administrator may, in addition to the authority provided in subdivision (1) of this subsection, establish appropriate rules or regulations for determining alternative allocation and apportionment methods for such taxpayers.

(b) A regulation adopted pursuant to this section shall be applied uniformly, except that with respect to any corporation to whom such regulation applies, the corporation may petition for, or the director may require, adjustment pursuant to subdivision (1) of subsection 12 of this section.

(3) The party petitioning for, or the director requiring, the use of any method to effectuate an equitable allocation and apportionment of the corporation's income pursuant to subdivision (1) of this subsection must prove:

- (a) That the allocation and apportionment provisions of this section do not fairly represent the extent of the corporation's business activity in this state; and
- (b) That the alternative to such provisions is reasonable.

The same burden of proof shall apply whether the corporation is petitioning for, or the director is requiring, the use of any reasonable method to effectuate an equitable allocation and apportionment of the corporation's income. Notwithstanding the previous sentence, if the director can show that in any two of the prior five tax years, the corporation had used an allocation or apportionment method at variance with its allocation or apportionment method or methods used for such other tax years, then the director shall not bear the burden of proof in imposing a different method pursuant to subdivision (1) of this subsection.

(4) If the director requires any method to effectuate an equitable allocation and apportionment of the corporation's income, the director cannot impose any civil or criminal penalty with reference to the tax due that is attributable to the taxpayer's reasonable reliance solely on the allocation and apportionment provisions of this section.

(5) A corporation that has received written permission from the director to use a reasonable method to effectuate an equitable allocation and apportionment of the corporation's income shall not have that permission revoked with respect to transactions and activities that have already occurred unless there has been a material change in, or a material misrepresentation of, the facts provided by the corporation upon which the director reasonably relied.

13. For purposes of this subsection, the following words shall, unless the context otherwise requires, have the following meaning:

- (1) "Administration services" include, but are not limited to, clerical, fund or shareholder accounting, participant record keeping, transfer agency, bookkeeping, data processing, custodial, internal auditing, legal and tax services performed for an investment company;
- (2) "Affiliate", the meaning as set forth in 15 U.S.C. section 80a-2(a)(3)(C), as may be amended from time to time;
- (3) "Distribution services" include, but are not limited to, the services of advertising, servicing, marketing, underwriting or selling shares of an investment company, but, in the case of advertising, servicing or marketing shares, only where such service is performed by a person who is, or in the case of a closed end company, was, either engaged in the services of underwriting or selling investment company shares or affiliated with a person that is engaged in the service of underwriting or selling investment company shares.

In the case of an open end company, such service of underwriting or selling shares must be performed pursuant to a contract entered into under 15 U.S.C. section 80a-15(b), as may be amended from time to time;

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

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

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

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

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

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

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

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

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

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

(2) A separate computation shall be made to determine the wholly in this state qualifying sales from each investment company. The qualifying sales for each investment company shall be multiplied by the respective percentage of each fund, as calculated pursuant to subdivision (1) of this subsection. The product of this equation shall result in the wholly in this state qualifying sales. The qualifying sales for each investment company which are not wholly in this state will be considered wholly without this state;

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

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

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

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

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

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

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

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

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

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

20. If a corporation derives only part of its income from sources within Missouri, its Missouri taxable income shall only reflect the effect on Missouri taxable income of the deduction for net operating loss allowed by section 172 of the Internal Revenue Code. The extent applicable to Missouri shall be determined by multiplying the amount that would otherwise affect Missouri taxable income by the ratio for the year of the

Missouri taxable income of the corporation for the year divided by the Missouri taxable income for the year as though the corporation had derived all of its income from sources within Missouri. For the purpose of the preceding sentence, Missouri taxable income shall not reflect the deduction.

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

143.461. 1. A corporation shall elect to determine income applicable to this state by multiplying the total income from all sources by the fraction determined in the manner in section 143.451; first, by filing written notice with the director of revenue on or before the due date of the return (including extensions of time) of the taxpayer's election, or, second, by failing to keep its books and records in such manner as to show the income applicable to this state, including gross income and deductions applicable thereto.

2. If the corporation shall keep its books and records so as to show by any other method of allocation between this state and other states involved of income from transactions partially within and partially without this state, including gross income and deductions applicable thereto, and such method shows the income applicable to this state, including gross income and deductions applicable thereto, then it may, on or before sixty days before the end of any taxable year, petition the director of revenue, in writing, to be permitted in its return required to be filed to apportion to this state according to the method shown by such books or records. If the director of revenue finds that such method does show the income applicable to this state including gross income and the deductions applicable thereto, he shall notify the corporation, at least thirty days prior to the last day on which such corporation's return for that taxable year is to be filed, that it may use that method as long as such method shows the income applicable to this state, including gross income and deductions applicable thereto.

3. The corporation shall cease using such method whenever the director of revenue finds and notifies such corporation on or before ninety days before the end of the taxable year, that such method does not so show. Upon and after such revocation the corporation shall be permitted to petition to use another method of allocation that will show such income including gross income and deductions applicable thereto as though no petition had ever been filed.

4. Failure, after a method has been revoked by the director of revenue, to submit a method which the director of revenue finds will show such income applicable to this state including gross income and deductions applicable thereto, on or before sixty days before the end of any taxable year, or failure to make a return on the basis, which has been approved by the director of revenue on petition of the corporation and which stands unrevoked, shall constitute an election to accept the determination of income applicable to this state by multiplying the total income from all sources by the fraction determined in the manner set forth in section 143.451.

5. If the allocation and apportionment provisions of section 143.456 or this section do not fairly represent the extent of the taxpayer's business activity in this state, the taxpayer may petition for or the tax administrator may require, in respect to all or any part of the taxpayer's business activity, if reasonable:

- (1) separate accounting;**
- (2) the inclusion of one or more additional factors which will fairly represent the taxpayer's business activity in this state; or**
- (3) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income."; and**

Further amend said bill, Page 207, Section 208.431, Line 9, by deleting the year "2018" and inserting in lieu thereof the year "2019"; and

Further amend said bill, page and section, Line 13, by deleting the word "shall" and inserting in lieu thereof the word "may"; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 2540, Page 131, Section 143.171, Line 10, by deleting the number "2019" and inserting in lieu thereof the number "2020"; and

Further amend said bill, page, and section, Line 12, by deleting the number "2019" and inserting in lieu thereof the number "2020"; and

Further amend said bill and section, Page 132, Line 35, by deleting the number "2019" and inserting in lieu thereof the number "2020"; and

Further amend said bill, page, and section, Line 37, by deleting the number "2019" and inserting in lieu thereof the number "2020"; and

Further amend said bill, Page 416, Section B, Line 23, by deleting the number "2019" and inserting in lieu thereof the number "2020"; and

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

House Amendment No. 2 was withdrawn.

Representative Shaul (113) offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 2540, Page 176, Section 144.070, Line 70, by deleting the word "dollars," and inserting in lieu thereof the words "five hundred dollars, per month, per location,"; and

Further amend said bill, Page 194, Section 144.140, Line 3, by deleting the word "dollars," and inserting in lieu thereof the words "five hundred dollars, per month, per location,"; and

Further amend said bill, Page 201, Section 144.710, Line 3, by deleting the word "dollars," and inserting in lieu thereof the words "five hundred dollars, per month, per location,"; and

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

Representative Austin moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Alferman	Anderson	Andrews	Austin	Bahr
Barnes 60	Basye	Bernskoetter	Berry	Black
Bondon	Brattin	Brown 57	Chipman	Christofanelli
Conway 104	Cookson	Corlew	Cornejo	Cross
Curtman	Davis	DeGroot	Dinkins	Dohrman
Eggleston	Engler	Evans	Fitzpatrick	Fitzwater
Fraker	Francis	Franklin	Frederick	Gannon
Gregory	Grier	Haahr	Haefner	Hannegan
Hansen	Helms	Henderson	Houghton	Hurst
Johnson	Justus	Kelley 127	Kelly 141	Kidd
Knight	Kolkmeyer	Korman	Lant	Lichtenegger
Love	Lynch	Marshall	Mathews	Matthiesen
McGaugh	Messenger	Miller	Moon	Morris 140

Morse 151	Muntzel	Neely	Pfautsch	Phillips
Pike	Plocher	Pogue	Redmon	Reiboldt
Reisch	Remole	Rhoads	Roeber	Rone
Ross	Rowland 155	Ruth	Schroer	Shaul 113
Shull 16	Shumake	Smith 163	Sommer	Spencer
Stacy	Stephens 128	Swan	Tate	Taylor
Trent	Walker 3	Walsh	White	Wiemann
Wilson	Wood			

NOES: 036

Adams	Anders	Bangert	Baringer	Barnes 28
Beck	Brown 27	Burnett	Burns	Butler
Carpenter	Conway 10	Ellington	Gray	Green
Harris	Kendrick	Lavender	May	McCann Beatty
McCreery	Meredith 71	Merideth 80	Mitten	Mosley
Pierson Jr	Quade	Razer	Revis	Roberts
Rowland 29	Runions	Unsicker	Walker 74	Washington
Wessels				

PRESENT: 000

ABSENT WITH LEAVE: 023

Arthur	Beard	Curtis	Dogan	Ellebracht
Franks Jr	Higdon	Hill	Houx	Lauer
McDaniel	McGee	Morgan	Newman	Nichols
Peters	Pietzman	Rehder	Roden	Smith 85
Stevens 46	Vescovo	Mr. Speaker		

VACANCIES: 002

On motion of Representative Shaul (113), **House Amendment No. 3** was adopted.

Representative Kelley (127) offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 2540, Page 127, Section 135.313, Line 26, by inserting after all of said section and line the following:

"135.760. 1. This section shall be known and may be cited as the "Missouri Earned Income Tax Credit Act".

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

- (1) "Department", the department of revenue;**
- (2) "Eligible taxpayer", a resident individual with a filing status of single, head of household, widowed, or married filing combined who is subject to the tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, and who is allowed a federal earned income tax credit under Section 32 of the Internal Revenue Code of 1986, as amended;**
- (3) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265.**

3. For all tax years beginning on or after January 1, 2019, an eligible taxpayer shall be allowed a tax credit in an amount equal to twenty percent of the amount such taxpayer would receive under the federal earned income tax credit. The tax credit allowed by this section shall be claimed by such taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143 after

reduction for all other credits allowed thereon. If the amount of the credit exceeds the tax liability, the difference shall not be refunded to the taxpayer and shall not be carried forward to any subsequent tax year.

4. Notwithstanding the provision of subsection 4 of section 32.057 to the contrary, the department shall determine whether any taxpayer filing a report or return with the department who did not apply for the credit authorized under this section may qualify for the credit and, if so determines a taxpayer may qualify for the credit, shall notify such taxpayer of his or her potential eligibility. In making a determination of eligibility under this section, the department shall use any appropriate and available data including, but not limited to, data available from the Internal Revenue Service, the U.S. Department of Treasury, and state income tax returns from previous tax years.

5. The department shall prepare an annual report containing statistical information regarding the tax credits issued under this section for the previous tax year, including the total amount of revenue expended on the earned income tax credit, the number of credits claimed, and the average value of the credits issued to taxpayers whose earned income falls within various income ranges determined by the department.

6. The department shall contract with one or more nonprofit group to provide notice of the earned income tax credit to eligible taxpayers. The department shall require evidence of the effectiveness of the nonprofit group, the connection with the community in which the group operates, and the ability to contact taxpayers that are unlikely to claim the federal earned income tax credit including, but not limited to, non-English speakers, the elderly, tenants, and very low-income taxpayers who do not file tax returns annually. The department shall give preference to nonprofit groups with members in low- and moderate-income areas, to nonprofit groups with at least fifty-one percent of its board of directors having low to moderate incomes and residing in target communities, and to nonprofit groups that have a record of effective door-to-door outreach for similar community projects.

7. The director of the department shall promulgate rules and regulations to 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, 2018, shall be invalid and void."; and

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

Representative Merideth (80) offered **House Amendment No. 1 to House Amendment No. 4**.

*House Amendment No. 1
to
House Amendment No. 4*

AMEND House Amendment No. 4 to House Committee Substitute for House Bill No. 2540, Page 1, Lines 20 to 21, by deleting all of said lines and inserting in lieu thereof the following:

"**the amount of the credit exceeds the tax liability, the difference shall be refunded to the taxpayer.**";
and

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

Representative Merideth (80) moved that **House Amendment No. 1 to House Amendment No. 4** be adopted.

Which motion was defeated.

On motion of Representative Kelley (127), **House Amendment No. 4** was adopted.

Representative Smith (163) offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 2540, Page 134, Section 143.225, Line 47, by inserting after all of said section and line the following:

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

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

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

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

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

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

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

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

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

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

(d) For purposes of this subdivision:

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

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

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

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

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

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

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

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

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

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

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

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

c. In the case of sale of a service, if and to the extent the ultimate beneficiary of the service is located in this state and shall not be in this state if the ultimate beneficiary of the service rendered by the taxpayer or the taxpayer's designee is located outside this state; and

d. In the case of intangible property:

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) "Investment funds service corporation" includes any corporation or S corporation doing business in the state which derives more than fifty percent of its gross income in the ordinary course of business from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment

company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. An investment funds service corporation shall include any corporation or S corporation providing management services as an investment advisory firm registered under Section 203 of the Investment Advisors Act of 1940, as amended from time to time, regardless of the percentage of gross revenues consisting of fees from management services provided to or on behalf of an investment company;

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

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

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

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

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

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

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

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

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

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

(6) Notwithstanding the Multistate Tax Compact, sections 32.200 to 32.240; this section; and section 143.461 to the contrary, sales and business transactions shall not include any intercompany transactions between corporations of an affiliated group that file a consolidated income tax return in this state. For purposes of this subdivision, "affiliated group" has the same meaning as that term is defined under 26. U.S.C. Section 1504(a) and "intercompany transaction" has the same meaning as that term is defined under 26 C.F.R. Section 1.1502-13.

3. Any corporation described in subdivision (1) of subsection 1 of section 143.441 organized in this state or granted a permit to operate in this state for the transportation or care of passengers shall report its gross earnings within the state on intrastate business and shall also report its gross earnings on all interstate business done in this

state which report shall be subject to inquiry for the purpose of determining the amount of income to be included in Missouri taxable income. The previous sentence shall not apply to a railroad.

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

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

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

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

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

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

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

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

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

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

10. The provisions of this section do not impact any other apportionment election available to a taxpayer under Missouri statutes **unless explicitly stated in this section.**"; and

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

On motion of Representative Smith (163), **House Amendment No. 5** was adopted.

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

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 2540, Page 232, Section 301.057, Lines 12 to 19, by deleting all of said lines and inserting in lieu thereof the following:

"36,001 pounds to 42,000 pounds	[413.00] 913.00
42,001 pounds to 48,000 pounds	[550.50] 1,050.50
48,001 pounds to 54,000 pounds	[688.00] 1,188.00
54,001 pounds to 60,010 pounds	[825.50] 1,325.50
60,011 pounds to 66,000 pounds	[1,100.50] 1,600.50
66,001 pounds to 73,280 pounds	[1,375.50] 1,875.50
73,281 pounds to 78,000 pounds	[1,650.50] 2,150.50
78,001 pounds to 80,000 pounds	[1,719.50] 2,219.50 "; and

Further amend said bill, Page 233, Section 301.059, Lines 9 to 11, by deleting all of said lines and inserting in lieu thereof the following:

"34 to 37 passengers	[370.50] 870.50
38 to 41 passengers	[410.50] 910.50
42 to 45 passengers	[450.50] 950.50 "; and

Further amend said bill, Page 290, Section 301.566, Line 29, by deleting the phrase "~~[five]~~ **one thousand three hundred [fifty]**" and inserting in lieu thereof the phrase "~~[five hundred]~~ **one thousand fifty**"; and

Further amend said bill, Page 292, Section 301.580, Lines 28 to 30, by deleting all of said lines and inserting in lieu thereof the following:

"8. The fee for a special event motor vehicle auction license shall be one thousand **five hundred** dollars. For every vehicle auctioned in violation of subsection 6 of this section, an administrative fee of ~~[five hundred]~~ **one thousand** dollars shall be paid"; and

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

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

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

House Amendment No. 7

AMEND House Committee Substitute for House Bill No. 2540, Page 403, Section 313.826, Line 5, by inserting after all of said section and line the following:

"313.905. As used in sections 313.900 to 313.955, the following terms shall mean:

- (1) "Authorized internet website", an internet website or any platform operated by a licensed operator;
- (2) "Commission", the Missouri gaming commission;
- (3) "Entry fee", anything of value including, but not limited to, cash or a cash equivalent that a fantasy sports contest operator collects in order to participate in a fantasy sports contest;
- (4) "Fantasy sports contest", any fantasy or simulated game or contest with an entry fee [~~conducted on an internet website or any platform;~~] in which:
 - (a) The value of all prizes and awards offered to the winning participants is established and made known in advance of the contest;
 - (b) All winning outcomes reflect in part the relative knowledge and skill of the participants and are determined predominantly by the accumulated statistical results of the performance of individuals, including athletes in the case of sports events; and
 - (c) No winnings outcomes are based on the score, point spread, or any performance of any single actual team or combination of teams or solely on any single performance of an individual athlete or player in any single actual event;
- (5) "Fantasy sports contest operator", any person [ø], entity, **or division of a corporate entity** that offers [~~fantasy sports contests for a prize~~] **a platform for the playing of fantasy contests, administers one or more fantasy contests with an entry fee, and awards a prize of value;**
- (6) "Highly experienced player", a person who has either:
 - (a) Entered more than one thousand contests offered by a single fantasy sports contest operator; or
 - (b) Won more than three fantasy sports prizes of one thousand dollars or more;
- (7) "Licensed operator", a fantasy sports contest operator licensed pursuant to section 313.910 to offer fantasy sports contests for play on an authorized internet website in Missouri;
- (8) **"Location", the geographical position of a person as determined within a degree of accuracy consistent with generally available internet protocol address locators;**
- (9) **"Location percentage", for all fantasy sports contests, the percentage, rounded to the nearest one-tenth of one percent, of the total entry fees collected from registered players located in the state of Missouri at the time of entry into a fantasy contest, divided by the total entry fees collected from all players, regardless of the players' location, of the fantasy sports contests;**
- (10) "Minor", any person less than eighteen years of age;
- ~~(9)~~ (11) "Net revenue", for all fantasy sports contests, the amount equal to the total entry fees collected from all participants entering such fantasy sports contests less winnings paid to participants in the contests, multiplied by the [~~resident~~] **location** percentage;
- ~~(10)~~ (12) "Player", a person who participates in a fantasy sports contest offered by a fantasy sports contest operator;
- ~~(11)~~ (13) "Prize", anything of value including, but not limited to, cash or a cash equivalent, contest credits, merchandise, or admission to another contest in which a prize may be awarded;
- ~~(12)~~ (14) "Registered player", a person registered pursuant to section 313.920 to participate in a fantasy sports contest [~~on an authorized internet website~~];
- ~~(13)~~ **"Resident percentage", for all fantasy sports contests, the percentage, rounded to nearest one-tenth of one percent, of the total entry fees collected from Missouri residents divided by the total entry fees collected from all players, regardless of the players' location, of the fantasy sports contests; and**
- ~~(14)~~ (15) "Script", a list of commands that a fantasy-sports-related computer program can execute to automate processes on a fantasy sports contest platform.

313.935. 1. No fantasy sports contest operator shall offer any fantasy sports contest in Missouri without first being licensed by the commission. A fantasy sports contest operator wishing to offer fantasy sports contests in this state shall [~~annually~~] apply to the commission for a license and shall remit to the commission an [~~annual~~] application fee of ten thousand dollars or ten percent of the applicant's net revenue from the previous calendar year, whichever is lower.

2. As part of the commission's investigation and licensing process, the commission may conduct an investigation of the fantasy sports contest operator's employees, officers, directors, trustees, and principal salaried executive staff officers. The applicant shall be responsible for the [~~total~~] cost of the investigation **up to ten thousand dollars**. If the cost of the investigation exceeds the application fee, the applicant shall remit **such cost** to the commission [~~the total cost of the investigation~~] prior to any license being issued. [~~The total cost of the investigation, paid by the applicant, shall not exceed fifty thousand dollars.~~] **An applicant may apply for, and the commission may grant, based on a showing of undue burden, a waiver of all or a portion of the cost of the investigation.** All revenue received under this section shall be placed into the gaming commission fund created under section 313.835.

3. (1) A fantasy sports contest operator with net revenues of two million dollars or more from the previous calendar year shall be required to submit an annual license renewal fee of five thousand dollars by November first of each subsequent calendar year. A fantasy sports contest operator with net revenues of less than two million dollars but greater than one million dollars from the previous calendar year shall be required to submit an annual license renewal fee of two thousand five hundred dollars by November first of each subsequent calendar year. A fantasy sports contest operator with net revenues equal to or less than one million dollars but greater than two hundred fifty thousand dollars shall submit an annual license renewal fee of one thousand dollars by November first of each subsequent calendar year. A fantasy sports contest operator with net revenues of two hundred fifty thousand dollars or less from the previous calendar year shall not be required to submit an annual license renewal fee.

(2) In addition to the ~~[application]~~ license renewal fee, a licensed operator shall also pay an annual operation fee ~~[-on April fifteenth of each year,]~~ in a sum equal to ~~[eleven and one-half]~~ six percent of the licensed operator's net revenue from the previous calendar year. All revenue collected under this subsection shall be placed in the gaming proceeds for education fund created under section 313.822. If a licensed operator fails to **apply for a license renewal** or pay the annual operation fee ~~[by April fifteenth, the licensed operator shall have its license immediately suspended by],~~ the commission **may suspend the license of such licensed operator** until such payment is made.

4. Any fantasy sports contest operator already operating in the state prior to April 1, 2016, may operate until they have received or have been denied a license. Such fantasy sports contest operators shall apply for a license prior to October 1, 2016. Any fantasy sports contest operator operating under this subsection after August 28, 2016, shall pay the annual operation fee of eleven and one-half percent of its net revenue from August 28, 2016, until action is taken on its application. If a **licensed** fantasy sports contest operator fails to pay its **annual** operation fee by ~~[April 15, 2017]~~ **November 1, 2018**, the **commission may suspend the license or deny the pending license application of such** fantasy sports contest operator ~~[shall have its license immediately suspended by the commission, or if the fantasy sports contest operator has a pending application, its application shall be denied immediately].~~

5. If a **licensed** fantasy sports contest operator ceases to offer fantasy sports contests in Missouri, the operator shall pay an operation fee equal to ~~[eleven and one-half]~~ six percent of its net revenue for the period of the calendar year in which it offered fantasy sports contests in Missouri **by November first of the subsequent calendar year**. ~~[Such payment shall be made within sixty days of the last day the fantasy sports contest operator offered fantasy sports contests in Missouri. After the expiration of sixty days, a penalty of five hundred dollars per day shall be assessed against the fantasy sports contest operator until the operation fee and any penalty is paid in full.];~~ and

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

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

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

House Amendment No. 8

AMEND House Committee Substitute for House Bill No. 2540, Page 4, Section 32.005, Line 4, by inserting after the word "**Revenue.**" the following words:

"The department shall have a transition period of two year to adopt the new department name. As materials with the department's name are depleted or expire, the new materials shall have the new department name."; and

Further amend said bill, Page 26, Section 34.040, Line 19, by deleting the word "**bid.**" and inserting in lieu thereof the following:

"bid, either by the solicitation specifying minimum mandatory quality standards or by allowing quality to be considered as a separately scored criterion in determining the lowest and best bidder."; and

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

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

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

House Amendment No. 9

AMEND House Committee Substitute for House Bill No. 2540, Page 6, Section 32.087, Line 29, by deleting the number "2018" and inserting in lieu thereof the following:

"~~[2018]~~ 2022"; and

Further amend said bill, page, and section, Line 48, by deleting the number "2018" and inserting in lieu thereof the following:

"~~[2018]~~ 2022"; and

Further amend said bill and section, Page 7, Line 65, by deleting the number "2018" and inserting in lieu thereof the following:

"~~[2018]~~ 2022"; and

Further amend said bill and section, Page 8, Line 87, by deleting the number "2019" and inserting in lieu thereof the following:

"~~[2019]~~ 2023"; and

Further amend said bill, page, and section, Line 92, by deleting the number "2018" and inserting in lieu thereof the following:

"~~[2018]~~ 2022"; and

Further amend said bill, page, and section, Line 93, by deleting the number "2018" and inserting in lieu thereof the following:

"~~[2018]~~ 2022"; and

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

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

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

House Amendment No. 10

AMEND House Committee Substitute for House Bill No. 2540, Page 130, Section 143.071, Line 11, by inserting after all of said section and line the following:

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

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

(2) "Eligible taxpayer", an individual subject to the state income tax under chapter 143 who is a veteran with a total service-connected disability;

(3) "Loan forgiveness program", any disabled veteran student loan forgiveness program as administered by the United States Department of Education under 34 C.F.R. 685.213, et. seq., or other law.

2. In addition to all deductions listed under this chapter, for all tax years beginning on or after January 1, 2019, an eligible taxpayer shall be allowed a deduction equal to the amount of any income from a loan forgiveness program included in the taxpayer's federal adjusted gross income.

3. 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, 2018, shall be invalid and void."; and

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

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

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

House Amendment No. 11

AMEND House Committee Substitute for House Bill No. 2540, Page 127, Section 135.313, Line 26, by inserting after all of said section and line the following:

"137.010. The following words, terms and phrases when used in laws governing taxation and revenue in the state of Missouri shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

(1) "Grain and other agricultural crops in an unmanufactured condition" shall mean grains and feeds including, but not limited to, soybeans, cow peas, wheat, corn, oats, barley, kafir, rye, flax, grain sorghums, cotton, and such other products as are usually stored in grain and other elevators and on farms; but excluding such grains and other agricultural crops after being processed into products of such processing, when packaged or sacked. The term "processing" shall not include hulling, cleaning, drying, grating, or polishing;

(2) "Hydroelectric power generating equipment", very-low-head turbine generators with a nameplate generating capacity of at least four hundred kilowatts but not more than six hundred kilowatts and machinery and equipment used directly in the production, generation, conversion, storage, or conveyance of hydroelectric power to land-based devices and appurtenances used in the transmission of electrical energy;

(3) "Intangible personal property", for the purpose of taxation, shall include all property other than real property and tangible personal property, as defined by this section;

(4) "Real property" includes land itself, whether laid out in town lots or otherwise, and all growing crops, buildings, structures, improvements and fixtures of whatever kind thereon, hydroelectric power generating equipment, the installed poles used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes, provided the owner of such installed poles is also an owner of a fee simple interest, possessor of an easement, holder of a license or franchise, or is the beneficiary of a right-of-way dedicated for public utility purposes for the underlying land; attached wires, transformers, amplifiers, substations, and other such devices and appurtenances used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes when owned by the owner of the installed poles, otherwise such items are considered personal property; and stationary property used for transportation or storage of liquid and gaseous products, including, but not limited to, petroleum products, natural gas, propane or LP gas equipment, water, and sewage;

(5) "Tangible personal property" includes every tangible thing being the subject of ownership or part ownership whether animate or inanimate, other than money, and not forming part or parcel of real property as herein defined, but does not include household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place;

(6) "Solar energy systems", includes any and all equipment, inverters, transformers, wiring, or other devices and appurtenances used for the creation of solar energy in excess of one megawatt direct current, for the purpose of selling the energy created when said equipment, inverters, transformers, wiring, or other devices and appurtenances are located on one contiguous piece of property."; and

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

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

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

House Amendment No. 12

AMEND House Committee Substitute for House Bill No. 2540, Page 213, Section 221.407, Line 69, by inserting after all of said section and line the following:

"226.228. 1. There is hereby created in the state treasury the "Emergency Bridge Repair and Replacement Fund", which shall consist of moneys appropriated from general revenue to the department of transportation or received from other eligible funds. The moneys in the fund shall only be used for accelerated replacements of, or to make immediate repairs to, bridges constructed or maintained at the cost of the state that are located on state or interstate highways and are in critical disrepair. Upon appropriation, the director of the department of transportation shall administer the fund. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund, and, upon appropriation, moneys in the fund shall be used solely for the administration of this section.

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

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

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

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

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

House Amendment No. 13

AMEND House Committee Substitute for House Bill No. 2540, Page 4, Section 32.070, Line 2, by inserting after all of said line the following:

"2. (1) Beginning January first following the effective date of this act, all revenue generated under the streamlined sales and use tax agreement act that exceeds the amount of revenue that would have been collected if the streamlined sales and use tax agreement act were not effective shall be deposited in the streamlined sales and use tax agreement special fund created in this section and appropriated solely for the approved purposes. The department of revenue shall track and report the collections generated under this act.

(2) There is hereby created in the state treasury the "Streamlined Sales and Use Tax Agreement Special Fund", which shall consist of moneys collected under this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be transferred as follows: eighty-five percent to general revenue and fifteen percent to the state transportation fund created in section 226.225. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund."; and

Further amend said section by renumbering the subsections accordingly; and

Further amend said bill, Page 213, Section 221.407, Line 69, by inserting after all of said section and line the following:

"226.225. There is created in the state treasury a "State Transportation Fund". One percent of the sales tax funds designated for highway and transportation use by Subsection 2 of Section 30(b) of Article IV of the State Constitution, **fifteen percent of the sales and use tax funds collected from the streamlined sales and use tax agreement act as determined under subsection 2 of section 32.070 or fifteen percent of the additional sales and use tax funds collected from internet sales as determined under section 1**, and other funds as are made available by appropriation, grants, bequests or other sources for state transportation purposes other than road and highway construction and maintenance shall be deposited in the state transportation fund. The state transportation fund shall be utilized, as specified by appropriation, by the department of transportation for transportation purposes other than highways. Such purposes may include the locating, relocating, establishing, acquiring, constructing, planning, developing, maintaining or operating public transportation facilities or projects as part of any state or local transportation program, including but not limited to aviation, mass transportation, railroads, ports, waterways, waterborne commerce, and transportation of elderly and handicapped. Funds may be utilized for contracts with any public or private entity to carry out the above or other purposes related to transportation."; and

Further amend said bill, Page 408, Section 644.032, Line 42, by inserting after all of said section and line the following:

"Section 1. 1. Beginning January first following the effective date of this act, all revenue generated from the additional sales and use tax collected on out-of-state internet sales, upon the Supreme Court of the United States having issued a holding that allows states to collect sales and use tax on purchases from out-of-state retailers, that exceeds the amount of revenue that would have been collected without such decision, shall be deposited in the internet sales and use tax special fund created in this section and appropriated solely for the approved purposes. The department of revenue shall track and report the collections generated under this act.

2. There is hereby created in the state treasury the "Internet Sales and Use Tax Special Fund", which shall consist of moneys collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be transferred as follows: eighty-five percent to general revenue and fifteen percent to the state transportation fund created in section 226.225. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund."; and

Further amend said bill, Page 417, Section D, Line 15, by inserting after all of said section and line the following:

"Section E. The enactment of section 1 of this act shall become effective on January first of the year following the director of revenue notifying the revisor of statutes that the Supreme Court of the United States issued an opinion in *South Dakota v. Wayfair, Inc.*, 138 S. Ct. 735 (2018), that overturns *Quill v. North Dakota*, 510 U.S. 859 (1992), and allows states to begin collecting sales and use tax on purchases from out-of-state retailers."; and

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

Representative Ross assumed the Chair.

Representative Razer offered **House Amendment No. 1 to House Amendment No. 13.**

House Amendment No. 1
to
House Amendment No. 13

AMEND House Amendment No. 13 to House Committee Substitute for House Bill No. 2540, Page 1, Line 23, by inserting immediately after all of said line the following:

"Further amend said bill, page 127, Section 135.313, Line 26, by inserting after all of said section and line the following:

"142.803. 1. A tax is levied and imposed on all motor fuel used or consumed in this state as follows:

(1) Motor fuel [~~;~~] **other than diesel fuel:**

(a) **Before January 1, 2019**, seventeen cents per gallon; **and**

(b) **On and after January 1, 2019**, **twenty-seven cents per gallon;**

(2) **Diesel fuel:**

(a) **Before January 1, 2019**, **seventeen cents per gallon; and**

(b) **On and after January 1, 2019**, **twenty-nine cents per gallon;**

(3) Alternative fuels, not subject to the decal fees as provided in section 142.869, with a power potential equivalent of motor fuel. In the event alternative fuel, which is not commonly sold or measured by the gallon, is used in motor vehicles on the highways of this state, the director is authorized to assess and collect a tax upon such alternative fuel measured by the nearest power potential equivalent to that of one gallon of regular grade gasoline. The determination by the director of the power potential equivalent of such alternative fuel shall be prima facie correct;

~~[(3)]~~ (4) Aviation fuel used in propelling aircraft with reciprocating engines, nine cents per gallon as levied and imposed by section 155.080 to be collected as required under this chapter;

~~[(4)]~~ (5) Compressed natural gas fuel, five cents per gasoline gallon equivalent until December 31, 2019, eleven cents per gasoline gallon equivalent from January 1, 2020, until December 31, 2024, and then seventeen cents per gasoline gallon equivalent thereafter. The gasoline gallon equivalent and method of sale for compressed natural gas shall be as published by the National Institute of Standards and Technology in Handbooks 44 and 130, and supplements thereto or revisions thereof. In the absence of such standard or agreement, the gasoline gallon equivalent and method of sale for compressed natural gas shall be equal to five and sixty-six-hundredths pounds of compressed natural gas. All applicable provisions contained in this chapter governing administration, collections, and enforcement of the state motor fuel tax shall apply to the tax imposed on compressed natural gas, including but not limited to licensing, reporting, penalties, and interest;

~~[(5)]~~ (6) Liquefied natural gas fuel, five cents per diesel gallon equivalent until December 31, 2019, eleven cents per diesel gallon equivalent from January 1, 2020, until December 31, 2024, and then seventeen cents per diesel gallon equivalent thereafter. The diesel gallon equivalent and method of sale for liquefied natural gas shall be as published by the National Institute of Standards and Technology in Handbooks 44 and 130, and supplements thereto or revisions thereof. In the absence of such standard or agreement, the diesel gallon equivalent and method of sale for liquefied natural gas shall be equal to six and six-hundredths pounds of liquefied natural gas. All applicable provisions contained in this chapter governing administration, collections, and enforcement of the state motor fuel tax shall apply to the tax imposed on liquefied natural gas, including but not limited to licensing, reporting, penalties, and interest;

~~[(6)]~~ (7) Propane gas fuel, five cents per gallon until December 31, 2019, eleven cents per gallon from January 1, 2020, until December 31, 2024, and then seventeen cents per gallon thereafter. All applicable provisions contained in this chapter governing administration, collection, and enforcement of the state motor fuel tax shall apply to the tax imposed on propane gas including, but not limited to, licensing, reporting, penalties, and interest;

~~[(7)]~~ (8) If a natural gas, compressed natural gas, liquefied natural gas, electric, or propane connection is used for fueling motor vehicles and for another use, such as heating, the tax imposed by this section shall apply to the entire amount of natural gas, compressed natural gas, liquefied natural gas, electricity, or propane used unless an approved separate metering and accounting system is in place.

2. All taxes, surcharges and fees are imposed upon the ultimate consumer, but are to be precollected as described in this chapter, for the facility and convenience of the consumer. The levy and assessment on other persons as specified in this chapter shall be as agents of this state for the precollection of the tax."; and"; and

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

House Amendment No. 1 to House Amendment No. 13 was withdrawn.

Representative Corlew moved that **House Amendment No. 13** be adopted.

Which motion was defeated.

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

House Amendment No. 14

AMEND House Committee Substitute for House Bill No. 2540, Page 127, Section 143.011, Lines 1-3, by deleting all of said lines and inserting in lieu thereof the following:

"143.011. 1. **For tax years ending before January 1, 2018**, a tax is hereby imposed for every [taxable] tax year on the Missouri taxable income of every resident. The tax shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:"; and

Further amend said bill, page and section, Lines 12-16, by deleting all of said lines and inserting in lieu thereof the following:

"Over \$7,000 but not over \$8,000	\$210 plus 5% of excess over \$7,000
Over \$8,000 but not over \$9,000	\$260 plus 5 1/2% of excess over \$8,000
Over \$9,000	\$315 plus 6% of excess over \$9,000

2. **For tax years beginning on or after January 1, 2018, a tax is hereby imposed for every tax year on the Missouri taxable income of every resident at a rate of five percent.** [~~(1) Beginning with the 2017 calendar year, the top rate of tax under subsection 1 of]~~"; and

Further amend said bill, Page 128, Section 143.021, Lines 1-11, by striking said section from the bill; and

Further amend said bill, Page 129, Section 143.022, Line 34, by inserting after all of said section and line the following:

"143.031. 1. A [~~husband and wife~~] **married couple** who file a joint federal income tax return shall file a combined return. A [~~husband and wife~~] **married couple** who do not file a joint federal income tax return shall not file a combined return.

2. The Missouri combined taxable income on a combined return shall include all of the income and deductions of [~~the husband and wife~~] **both spouses**. [~~The Missouri taxable income of each spouse shall be an amount that is the same proportion of their Missouri combined taxable income as the Missouri adjusted gross income of that spouse bears to their Missouri combined adjusted gross income.~~]

3. **If one spouse is a nonresident**, the tax of each spouse shall be determined by the application of either section 143.021 or section 143.041 depending upon whether such spouse is a resident or nonresident. Their Missouri combined tax shall be the sum of the tax applicable to each spouse."; and

Further amend said bill, Page 416, Section B, Lines 2-3, by deleting the numbers "143.011, 143.021,"; and

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

House Amendment No. 14 was withdrawn.

Representative Kidd offered **House Amendment No. 15**.

House Amendment No. 15

AMEND House Committee Substitute for House Bill No. 2540, Page 127, Section 135.313, Line 26, by inserting immediately after all of said section and line the following:

"135.1915. 1. As used in this section, the following terms mean:

(1) "Qualified taxpayer", any individual who has owned his or her primary residence for at least two years, whose primary residence is wholly owned by the individual and free of any obligation, and who is subject to the tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265;

(2) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265.

2. For all tax years beginning on or after January 1, 2018, a qualified taxpayer shall, beginning the calendar year following the year in which the qualified taxpayer is eligible for full social security retirement benefits, be allowed to claim a tax credit against the qualified taxpayer's state tax liability in an amount equal to the amount of real property tax paid on the qualified taxpayer's primary residence.

3. In the event the qualified taxpayer is married, only one spouse need qualify as a qualified taxpayer to be eligible for the credit authorized under this section.

4. Once an individual attains the status of a qualified taxpayer, the two-year ownership requirement shall be waived if the qualified taxpayer moves to a new primary residence, provided the new primary residence is wholly owned and free of any obligation.

5. Qualified taxpayers shall remit property tax when due and may apply for the credit authorized under this section when filing the qualified taxpayer's Missouri income tax return.

6. The first year a qualified taxpayer is eligible for the tax credit under this section, the tax credit shall not exceed twenty percent of the amount of real property tax paid on the qualified taxpayer's primary residence. The second year a qualified taxpayer is eligible for the tax credit, the tax credit shall not exceed forty percent of the amount of real property tax paid on the qualified taxpayer's primary residence. The third year a qualified taxpayer is eligible for the tax credit, the tax credit shall not exceed sixty percent of the amount of real property tax paid on the qualified taxpayer's primary residence. The fourth year a qualified taxpayer is eligible for the tax credit, the tax credit shall not exceed eighty percent of the amount of real property tax paid on the qualified taxpayer's primary residence. The fifth year a qualified taxpayer is eligible for the tax credit and all years thereafter, the taxpayer may claim the total amount of real property tax paid on the qualified taxpayer's primary residence.

7. Tax credits issued under the provisions of this section shall be refundable but shall not be sold, transferred, or assigned.

8. No taxpayer shall claim the tax credit authorized under this section the same year that such taxpayer claims a tax credit authorized under section 135.020.

9. 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, 2018, shall be invalid and void."; and

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

House Amendment No. 15 was withdrawn.

Representative Dogan offered **House Amendment No. 16**.

House Amendment No. 16

AMEND House Committee Substitute for House Bill No. 2540, Page 211, Section 208.1050, Line 22, by inserting after all of said line the following:

"208.1070. 1. For purposes of this section, the term “long-acting reversible contraceptive (LARC)” shall include, but not be limited to, intrauterine devices (IUDs) and birth control implants.

2. Notwithstanding any other provision of law, any LARC that is prescribed to and obtained for a MO HealthNet participant may be transferred to another MO HealthNet participant if the LARC was not delivered to, implanted in, or used on the original MO HealthNet participant to whom the LARC was prescribed. In order to be transferred to another MO HealthNet participant under the provisions of this section, the LARC shall:

- (1) Be in the original, unopened package;**
- (2) Have been in the possession of the health care provider for at least twelve weeks. The provisions of this subdivision may be waived upon the written consent of the original MO HealthNet participant to whom the LARC was prescribed;**
- (3) Not have left the possession of the health care provider who originally prescribed the LARC; and**
- (4) Be medically appropriate and not contraindicated for the MO HealthNet participant to whom the LARC is being transferred.";** and

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

On motion of Representative Dogan, **House Amendment No. 16** was adopted.

Representative Austin moved the previous question.

Which motion was adopted by the following vote:

AYES: 090

Alferman	Anderson	Andrews	Austin	Barnes 60
Basye	Bernskoetter	Black	Brattin	Brown 57
Chipman	Christofanelli	Corlew	Cornejo	Cross
Curtman	DeGroot	Dinkins	Dogan	Dohrman
Eggleston	Engler	Evans	Fitzpatrick	Fitzwater
Fraker	Francis	Franklin	Frederick	Gannon
Gregory	Grier	Haahr	Hannegan	Hansen
Helms	Henderson	Houghton	Houx	Johnson
Justus	Kelly 141	Knight	Kolkmeyer	Korman
Lant	Lauer	Lichtenegger	Love	Lynch
Marshall	Mathews	Matthiesen	McGaugh	Messenger
Miller	Morris 140	Morse 151	Muntzel	Neely
Pfautsch	Pietzman	Pike	Plocher	Pogue
Redmon	Reiboldt	Reisch	Remole	Rhoads
Roden	Rone	Ross	Rowland 155	Ruth
Shaul 113	Shull 16	Shumake	Sommer	Spencer
Stacy	Swan	Tate	Taylor	Trent
Walker 3	Walsh	White	Wiemann	Wilson

NOES: 040

Adams	Anders	Bangert	Baringer	Barnes 28
Beck	Brown 27	Burnett	Butler	Carpenter
Curtis	Ellington	Franks Jr	Gray	Green
Harris	Hurst	Kendrick	Lavender	May

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McCann Beatty	McCreery	Meredith 71	Merideth 80	Mitten
Moon	Morgan	Mosley	Pierson Jr	Quade
Razer	Revis	Roberts	Rowland 29	Runions
Stevens 46	Unsicker	Walker 74	Washington	Wessels

PRESENT: 000

ABSENT WITH LEAVE: 031

Arthur	Bahr	Beard	Berry	Bondon
Burns	Conway 10	Conway 104	Cookson	Davis
Ellebracht	Haefner	Higdon	Hill	Kelley 127
Kidd	McDaniel	McGee	Newman	Nichols
Peters	Phillips	Rehder	Roeber	Schroer
Smith 85	Smith 163	Stephens 128	Vescovo	Wood
Mr. Speaker				

VACANCIES: 002

On motion of Representative Haahr, **HCS HB 2540, as amended**, was adopted.

On motion of Representative Haahr, **HCS HB 2540, as amended**, was ordered perfected and printed.

HB 2562, relating to treatment courts, was taken up by Representative Austin.

On motion of Representative Austin, the title of **HB 2562** was agreed to.

On motion of Representative Austin, **HB 2562** was ordered perfected and printed.

REFERRAL OF HOUSE BILLS

The following House Bill was referred to the Committee indicated:

HB 2635 - Special Committee on Litigation Reform

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

SB 575 - Insurance Policy
SS#2 SCS SB 590 - General Laws
SCS SB 598 - Utilities
SS SCS SBs 627 & 925 - Agriculture Policy
SB 631 - Ways and Means
SCS SBs 632 & 675 - Ways and Means
SS SCS SB 652 - Crime Prevention and Public Safety
SS SB 666 - General Laws
SCS SB 672 - Children and Families
SB 683 - Transportation

SB 693 - General Laws
SB 695 - Special Committee on Government Oversight
SS SB 704 - Local Government
SS SB 705 - Utilities
SS SCS SB 707 - Transportation
SB 727 - Utilities
SB 743 - Elementary and Secondary Education
SS SCS SB 752 - Crime Prevention and Public Safety
SCS SB 769 - Financial Institutions
SB 773 - General Laws
SB 780 - Judiciary
SS SCS SB 782 - Conservation and Natural Resources
SB 796 - Professional Registration and Licensing
SB 800 - Judiciary
SS#2 SCS SB 802 - Economic Development
SCS SB 846 - Professional Registration and Licensing
SB 850 - Special Committee to Improve the Care and Well-being of Young People
SCS SB 862 - Workforce Development
SS SB 870 - Government Efficiency
SS SB 881 - Transportation
SS SB 882 - Ways and Means
SB 884 - General Laws
SS SCS SBs 894 & 921 - Elementary and Secondary Education
SCS SB 917 - Utilities
SS SCS SB 918 - Agriculture Policy
SB 919 - Transportation
SCS SBs 946 & 947 - Judiciary
SB 951 - General Laws
SCS SB 953 - Crime Prevention and Public Safety
SB 981 - Special Committee on Employment Security
SCS SB 990 - Higher Education
SCS SBs 999 & 1000 - Special Committee on Tourism

COMMITTEE REPORTS

Committee on Conservation and Natural Resources, Chairman Anderson reporting:

Mr. Speaker: Your Committee on Conservation and Natural Resources, to which was referred **HB 1977**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (7): Anderson, Harris, Houx, Love, Meredith (71), Remole and Revis

Noes (0)

Absent (5): Beard, Engler, Phillips, Pierson Jr. and Taylor

Mr. Speaker: Your Committee on Conservation and Natural Resources, to which was referred **HB 2480**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (7): Anderson, Harris, Houx, Love, Meredith (71), Remole and Revis

Noes (0)

Absent (5): Beard, Engler, Phillips, Pierson Jr. and Taylor

Committee on Health and Mental Health Policy, Chairman Frederick reporting:

Mr. Speaker: Your Committee on Health and Mental Health Policy, to which was referred **HB 1716**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (11): Arthur, Frederick, Haefner, Messenger, Morris (140), Pfautsch, Smith (163), Stephens (128), Stevens (46), Walker (74) and Wiemann

Noes (0)

Absent (0)

Mr. Speaker: Your Committee on Health and Mental Health Policy, to which was referred **HB 1927**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (9): Arthur, Frederick, Haefner, Messenger, Morris (140), Pfautsch, Smith (163), Stephens (128) and Stevens (46)

Noes (0)

Absent (2): Walker (74) and Wiemann

Mr. Speaker: Your Committee on Health and Mental Health Policy, to which was referred **HB 2568**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (10): Arthur, Frederick, Haefner, Messenger, Morris (140), Pfautsch, Smith (163), Stephens (128), Stevens (46) and Walker (74)

Noes (0)

Absent (1): Wiemann

Committee on Insurance Policy, Chairman Engler reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **HB 2539**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (9): Burns, Ellebracht, Engler, Morris (140), Pfautsch, Shull (16), Stephens (128), Tate and Wiemann

Noes (1): Unsicker

Absent (2): Messenger and Muntzel

Committee on Judiciary, Chairman Corlew reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 1725**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (7): Corlew, Ellebracht, Gregory, Marshall, Roberts, Toalson Reisch and White

Noes (0)

Absent (3): Beard, DeGroot and Mitten

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 2223**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (7): Corlew, Ellebracht, Gregory, Marshall, Roberts, Toalson Reisch and White

Noes (0)

Absent (3): Beard, DeGroot and Mitten

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 2262**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (5): Beard, Corlew, Ellebracht, Roberts and White

Noes (2): Marshall and Toalson Reisch

Absent (3): DeGroot, Gregory and Mitten

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 2410**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (7): Corlew, Ellebracht, Gregory, Marshall, Roberts, Toalson Reisch and White

Noes (0)

Absent (3): Beard, DeGroot and Mitten

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 2459**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (7): Corlew, Ellebracht, Gregory, Marshall, Roberts, Toalson Reisch and White

Noes (0)

Absent (3): Beard, DeGroot and Mitten

Special Committee on Government Oversight, Chairman Brattin reporting:

Mr. Speaker: Your Special Committee on Government Oversight, to which was referred **SCS SB 644**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (7): Bangert, Barnes (28), Brattin, Christofanelli, Hill, Merideth (80) and Messenger

Noes (0)

Absent (5): Brown (57), Moon, Taylor, Toalson Reisch and Washington

Special Committee on Litigation Reform, Chairman Lant reporting:

Mr. Speaker: Your Special Committee on Litigation Reform, to which was referred **SS SB 608**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (7): Corlew, Cornejo, DeGroot, Hill, Lant, Trent and White

Noes (2): Ellebracht and Roberts

Absent (4): Haahr, Mitten, Phillips and Rehder

Committee on Rules - Legislative Oversight, Chairman Rhoads reporting:

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCB 12**, begs leave to report it has examined the same and recommends that it **be returned to committee of origin** by the following vote:

Ayes (13): Butler, Curtis, Eggleston, Fitzwater, Gregory, Haahr, Houx, Lavender, Rhoads, Rone, Shull (16), Shumake and Wessels

Noes (0)

Absent (1): Bondon

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCB 16**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (10): Curtis, Eggleston, Fitzwater, Gregory, Haahr, Houx, Rhoads, Rone, Shull (16) and Shumake

Noes (3): Butler, Lavender and Wessels

Absent (1): Bondon

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCB 18**, begs leave to report it has examined the same and recommends that it **be returned to committee of origin** by the following vote:

Ayes (13): Butler, Curtis, Eggleston, Fitzwater, Gregory, Haahr, Houx, Lavender, Rhoads, Rone, Shull (16), Shumake and Wessels

Noes (0)

Absent (1): Bondon

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCB 20**, begs leave to report it has examined the same and recommends that it **be returned to committee of origin** by the following vote:

Ayes (13): Butler, Curtis, Eggleston, Fitzwater, Gregory, Haahr, Houx, Lavender, Rhoads, Rone, Shull (16), Shumake and Wessels

Noes (0)

Absent (1): Bondon

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HB 1353**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (13): Butler, Curtis, Eggleston, Fitzwater, Gregory, Haahr, Houx, Lavender, Rhoads, Rone, Shull (16), Shumake and Wessels

Noes (0)

Absent (1): Bondon

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCS HB 1356**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (12): Butler, Eggleston, Fitzwater, Gregory, Haahr, Houx, Lavender, Rhoads, Rone, Shull (16), Shumake and Wessels

Noes (1): Curtis

Absent (1): Bondon

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HB 1590**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (13): Butler, Curtis, Eggleston, Fitzwater, Gregory, Haahr, Houx, Lavender, Rhoads, Rone, Shull (16), Shumake and Wessels

Noes (0)

Absent (1): Bondon

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCS HB 1722**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (10): Curtis, Eggleston, Fitzwater, Gregory, Haahr, Houx, Rhoads, Rone, Shull (16) and Shumake

Noes (3): Butler, Lavender and Wessels

Absent (1): Bondon

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCS HB 2397**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (10): Curtis, Eggleston, Fitzwater, Gregory, Haahr, Houx, Rhoads, Rone, Shull (16) and Shumake

Noes (3): Butler, Lavender and Wessels

Absent (1): Bondon

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HB 2409**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (13): Butler, Curtis, Eggleston, Fitzwater, Gregory, Haahr, Houx, Lavender, Rhoads, Rone, Shull (16), Shumake and Wessels

Noes (0)

Absent (1): Bondon

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HB 2460**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (13): Butler, Curtis, Eggleston, Fitzwater, Gregory, Haahr, Houx, Lavender, Rhoads, Rone, Shull (16), Shumake and Wessels

Noes (0)

Absent (1): Bondon

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCS HBs 2523 & 2524**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (13): Butler, Curtis, Eggleston, Fitzwater, Gregory, Haahr, Houx, Lavender, Rhoads, Rone, Shull (16), Shumake and Wessels

Noes (0)

Absent (1): Bondon

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HB 2527**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (10): Butler, Eggleston, Fitzwater, Gregory, Haahr, Houx, Rhoads, Rone, Shull (16) and Shumake

Noes (3): Curtis, Lavender and Wessels

Absent (1): Bondon

APPOINTMENT OF CONFERENCE COMMITTEE

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

SS SCS HB 1291: Representatives Henderson, Toalson-Reisch, Walker (3), Adams, and Burnett

ADJOURNMENT

On motion of Representative Johnson, the House adjourned until 10:00 a.m., Thursday, April 5, 2018.

COMMITTEE HEARINGS

AGRICULTURE POLICY

Tuesday, April 10, 2018, 12:00 PM or upon conclusion of morning session (whichever is later), House Hearing Room 1.

Public hearing will be held: SS SCS SB 547, SCS SB 787, SS SCS SBs 627 & 925

Executive session will be held: SS SCS SB 547, SCS SB 787

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

Added SS SCS SBs 627 and 925.

AMENDED

BUDGET

Tuesday, April 10, 2018, 8:15 AM, House Hearing Room 3.

Public hearing will be held: HB 1450, HB 2649

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

CHILDREN AND FAMILIES

Tuesday, April 10, 2018, 5:00 PM or upon conclusion of afternoon session (whichever is later), House Hearing Room 7.

Public hearing will be held: HB 1867, HB 2159, HB 2589, HJR 53

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

Witness testimony will be limited to 3 minutes unless approved by the Chair.

CANCELLED

CONSENT AND HOUSE PROCEDURE

Tuesday, April 10, 2018, 9:00 AM, House Hearing Room 4.

Executive session will be held: HB 1742

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

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, April 10, 2018, 8:00 AM, House Hearing Room 5.

Public hearing will be held: HB 1958, HB 1452, HB 2245, HB 1869

Executive session will be held: HB 2495, HB 1916, HB 1963, HB 1743

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

FISCAL REVIEW

Thursday, April 5, 2018, 8:30 AM, House Hearing Room 6.

Executive session will be held: HCS HB 1368

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

GOVERNMENT EFFICIENCY

Tuesday, April 10, 2018, 12:00 PM or upon conclusion of morning session (whichever is later), House Hearing Room 6.

Public hearing will be held: HB 1708, SS SB 870

Executive session will be held: HB 2416, HB 2420, HB 2621

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

JOINT COMMITTEE ON EDUCATION

Monday, April 30, 2018, 12:00 PM, House Hearing Room 6.

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

Election of chair and co-chair, outgoing member recognition, discussion of interim activities.

PENSIONS

Monday, April 9, 2018, 5:00 PM or upon adjournment (whichever is later), House Hearing Room 1.

Public hearing will be held: SCS SB 892, HB 2660

Executive session will be held: SCS SB 892

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

SPECIAL COMMITTEE ON URBAN ISSUES

Monday, April 9, 2018, 5:00 PM or upon adjournment (whichever is later), House Hearing Room 5.

Executive session will be held: HB 2464, HB 2745

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

SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT

Thursday, April 5, 2018, upon adjournment, Room B-22, 201 West Capitol Ave, Jefferson City, MO.

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

This is a closed meeting pursuant to HR 5565 and Article III, Section 18 of the Missouri Constitution.

SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT

Friday, April 6, 2018, 8:00 AM, House Hearing Room 5.

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

This is a closed meeting pursuant to HR 5565 and Article III, Section 18 of the Missouri Constitution.

TRANSPORTATION

Monday, April 9, 2018, 2:00 PM, House Hearing Room 5.

Executive session will be held: HJR 84

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

HOUSE CALENDAR

FIFTIETH DAY, THURSDAY, APRIL 5, 2018

HOUSE BILLS FOR PERFECTION

HCS HB 2247 - Roeber

HB 2179 - Richardson

HB 2384 - Barnes (60)

HB 1662 - Swan

HOUSE BILLS FOR PERFECTION - INFORMAL

HB 1795 - Bernskoetter

HCS HB 2157 - Bahr

HB 2286 - Kelly (141)

HCS HB 1264 - Schroer

HCS HB 1457 - Lauer

HB 2360 - Redmon

HB 1715 - Phillips

HB 1470 - Kelley (127)

HCS HB 1491 - Kelley (127)

HB 1767 - Arthur

HB 1966 - Cornejo

HB 2117 - Pfautsch

HB 2139 - Morris (140)

HB 2336 - Tate

HB 1846 - Cornejo

HCS HB 1591 - Wood

HB 1249 - Plocher

HCS HB 2119 - Mathews

HCS HB 1611 - Trent

HCS HB 2140 - Haefner

HB 1485 - Brown (57)

HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING

HCR 69 - Davis

HCR 73 - Justus

HCR 70 - Franks Jr.

HOUSE BILLS FOR THIRD READING - REVISION

HRB 1 - Shaul (113)

HOUSE BILLS FOR THIRD READING

HB 1633 - Corlew

HCS#2 HB 1973 - Wiemann

HCS HBs 2337 & 2272 - Stephens (128)

HCS HB 1574 - Rowland (155)

HB 1832 - Cornejo

HCS HB 1667 - Swan

HCS HB 1368, (Fiscal Review 4/2/18) - Basye

HB 2183 - Bondon

HB 2039 - Fraker

HB 1257 - Schroer

HCS HB 2105, (Fiscal Review 4/2/18), E.C. - Frederick

HB 1516, (Fiscal Review 4/2/18) - Wiemann

HOUSE BILLS FOR THIRD READING - INFORMAL

HCS HB 2339 - Lynch

BILLS IN CONFERENCE

SS SCS HB 1291, as amended - Henderson

ACTIONS PURSUANT TO ARTICLE IV, SECTION 27

HCS HB 1 - Fitzpatrick

CCS SCS HCS HB 2 - Fitzpatrick

CCS SCS HCS HB 3 - Fitzpatrick

CCS SCS HCS HB 4 - Fitzpatrick

CCS SCS HCS HB 5 - Fitzpatrick

CCS SCS HCS HB 6 - Fitzpatrick

CCS SCS HCS HB 7 - Fitzpatrick

CCS SCS HCS HB 8 - Fitzpatrick

CCS SCS HCS HB 9 - Fitzpatrick

CCS SCS HCS HB 10 - Fitzpatrick

CCS SCS HCS HB 11 - Fitzpatrick

CCS SCS HCS HB 12 - Fitzpatrick

SCS HCS HB 13 - Fitzpatrick

CCS SCS HCS HB 17 - Fitzpatrick

SCS HCS HB 18 - Fitzpatrick