

JOURNAL OF THE HOUSE

First Regular Session, 94th GENERAL ASSEMBLY

SIXTY-SIXTH DAY, TUESDAY, MAY 1, 2007

The House met pursuant to adjournment.

Representative Dixon in the Chair.

Prayer by Msgr. Donald W. Lammers.

In 1958, forty-nine years ago, May 1st was proclaimed Law Day in the United States.

Almighty God, You have revealed Your law to humankind, teaching us how to live in peace with You, and how to live in peace and justice with each other on earth.

You guided our forefathers in forming the United States of America as a nation of laws, which allows us to live together in peace and prosperity.

Almighty God, on this Law Day, we are conscious of the dignity of our work in creating laws, laws that help all the people of our State live together in peace and prosperity. By Your grace help us in our work, so that the human laws we help create are always in harmony with Your divine law. For You are our God forever and ever. 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: Amina Zuna, John Broughton, Sandy Chesterton, Scotty Franc, Jackson Bates, Sarah Becker, Desiree Smith, Dalton Stockton, Emma Dyer, Hannah Brobst, Ryan Myers, Nathan Pence and Mary Claire.

The Journal of the sixty-fifth day was approved as printed.

THIRD READING OF SENATE BILLS

HCS SB 416, relating to adverse possession of certain lands, was taken up by Representative Pratt.

Representative Harris (110) offered **House Amendment No. 1**.

Representative Pratt raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

Representative Dixon requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

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

Representative Jones (89) raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

Representative Dixon requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

On motion of Representative Pratt, **HCS SB 416** was adopted.

On motion of Representative Pratt, **HCS SB 416** was read the third time and passed by the following vote:

AYES: 155

Aull	Avery	Baker 25	Baker 123	Bearden
Bivins	Bland	Bowman	Brandom	Bringer
Brown 50	Burnett	Casey	Chappelle-Nadal	Cooper 120
Cooper 155	Cooper 158	Corcoran	Cox	Cunningham 145
Cunningham 86	Curls	Daus	Davis	Day
Deeken	Dempsey	Denison	Dethrow	Dixon
Donnelly	Dougherty	Dusenberg	El-Amin	Emery
Ervin	Faith	Fallert	Fares	Fisher
Frame	Franz	George	Grill	Grisamore
Guest	Harris 23	Harris 110	Haywood	Hobbs
Hodges	Holsman	Hoskins	Hubbard	Hughes
Hunter	Ice	Johnson	Jones 89	Jones 117
Kelly	Kingery	Komo	Kratky	Kraus
Kuessner	Lampe	Lembke	LeVota	Liese
Lipke	Loehner	Low 39	Lowe 44	Marsh
May	McClanahan	McGhee	Meiners	Moore
Munzlinger	Muschany	Nance	Nasheed	Nieves
Nolte	Norr	Onder	Oxford	Page
Parson	Pearce	Pollock	Portwood	Pratt
Quinn 7	Quinn 9	Richard	Robb	Robinson
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schneider	Schoeller	Schoemehl
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Stevenson	St. Onge	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Threlkeld	Tilley	Todd	Viebrock	Villa
Vogt	Wallace	Walsh	Walton	Wasson
Wells	Weter	Whorton	Wildberger	Wilson 119
Witte	Wood	Wright 159	Wright-Jones	Yaeger
Yates	Young	Zimmerman	Zweifel	Mr Speaker

NOES: 001

Darrough

PRESENT: 001

Wilson 130

ABSENT WITH LEAVE: 006

Brown 30
Sander

Bruns

Flook

Funderburk

Meadows

Representative Dixon declared the bill passed.

SCS SB 302, relating to statutory liens against real estate, was taken up by Representative Pratt.

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

House Amendment No. 1

AMEND Senate Committee Substitute for Senate Bill No. 302, Page 1, Section 429.010, Lines 2-4, by striking all of said lines and inserting in lieu thereof the following:

"**land**, rent any machinery or equipment, **or use any rental machinery or equipment**, or furnish any material, fixtures, engine,"; and

Further amend said substitute, Page 1, Section 429.010, Line 10, by deleting the words "**at whatever tier**,"; and

Further amend said substitute, Page 2, Section 429.010, Lines 36-37, by deleting all of said lines and inserting in lieu thereof the following:

"person. For claims involving the rental of machinery or equipment **to others who use the rental machinery or equipment**, the lien shall be for the reasonable"; and

Further amend said substitute, Page 2, Section 429.010, Line 42, by deleting all of said line and inserting in lieu thereof the following:

"unless"; and

Further amend said substitute, Page 2, Section 429.010, Lines 50-52, by deleting all of said lines and inserting in lieu thereof the following:

"equipment being rented, and the rental rate. **Nothing contained in subsection 2 of this section shall apply to persons who use rented machinery or equipment in performing the work or labor described in subsection 1 of this section.**"; and

Further amend said substitute, Page 3, Section 429.080, Lines 6-7, by deleting all of said lines and inserting in lieu thereof the following:

"rental equipment or machinery **rented to others, then**, within sixty days after the date the last of the rental"; and

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

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

On motion of Representative Pratt, **SCS SB 302, as amended**, was read the third time and passed by the following vote:

AYES: 155

Aull	Avery	Baker 25	Baker 123	Bearden
Bivins	Bland	Bowman	Brandom	Bringer
Brown 50	Burnett	Casey	Chappelle-Nadal	Cooper 120
Cooper 155	Cooper 158	Corcoran	Cox	Cunningham 145
Cunningham 86	Curls	Darrough	Daus	Davis
Day	Deeken	Dempsey	Denison	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Ervin	Faith	Fallert	Fares
Fisher	Flook	Frame	Franz	George
Grill	Grisamore	Guest	Harris 23	Harris 110
Haywood	Hobbs	Hodges	Holsman	Hoskins
Hubbard	Hughes	Hunter	Icet	Johnson
Jones 89	Jones 117	Kelly	Kingery	Komo
Kratky	Kraus	Kuessner	Lampe	Lembke
LeVota	Liese	Lipke	Loehner	Low 39
Lowe 44	Marsh	May	McClanahan	McGhee
Meiners	Moore	Munzlinger	Muschany	Nance
Nieves	Nolte	Norr	Onder	Oxford
Page	Parson	Pearce	Pollock	Portwood
Pratt	Quinn 7	Quinn 9	Richard	Robb
Robinson	Roorda	Rucker	Ruestman	Ruzicka
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schneider	Schoeller	Schoemehl
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Stevenson	St. Onge	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Threlkeld	Tilley	Todd	Viebrock	Villa
Vogt	Wallace	Walsh	Walton	Wasson
Wells	Weter	Whorton	Wildberger	Wilson 130
Witte	Wood	Wright 159	Wright-Jones	Yaeger
Yates	Young	Zimmerman	Zweifel	Mr Speaker

NOES: 001

Nasheed

PRESENT: 000

ABSENT WITH LEAVE: 007

Brown 30	Bruns	Funderburk	Meadows	Salva
Sander	Wilson 119			

Representative Dixon declared the bill passed.

SCS SB 46, relating to a Faith-Based Organization Liaison Act, was taken up by Representative Grisamore.

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

House Amendment No. 1

AMEND Senate Committee Substitute for Senate Bill No. 46, Page 1, in the Title, by inserting after the word “**based**” the words “**and community**”; and

Further amend said section, Page 1, Line 2, by inserting before the word “**Organization**” the words “**and Community**”; and

Further amend said bill, Section 660.750, Page 1, Line 5, by inserting after the word “**faith-based**” the words “**and community**”; and

Further amend said section, Page 1, Line 8, by inserting after the word “**faith-based**” the words “**and community**”; and

Further amend said section, Page 1, Line 12, by inserting after the word “**faith-based**” the words “**and community**”; and

Further amend said section, Page 1, Line 15, by inserting after the word “**faith-based**” the words “**and community**”; and

Further amend said section, Page 1, Line 17, by inserting after the word “**faith-based**” the words “**and community**”; and

Further amend said section, Page 2, Line 22, by inserting after the word “**faith-based**” the words “**and community**”; and

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

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

Which motion was defeated.

SCS SB 46 was laid over.

Speaker Jetton assumed the Chair.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like Committees from the Senate on the following bills:

SB 233: Representatives Stevenson, Tilley, Nolte, Holsman and Zweifel

HCS SCS SB 308: Representatives Wasson, Parson, Tilley, Page and McClanahan

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 17**, entitled:

An act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2007 and ending June 30, 2009.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 264**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 554**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 555**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 25, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

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

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Representative Muschany.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Callie Hatch, Jasmina Murtic, Emina Memić and Nick Fogle.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2826 through House Resolution No. 2974

THIRD READING OF SENATE BILL

HCS SCS SBs 62 & 41, relating to the defensive use of force and firearms, was taken up by Representative Ruestmann.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 62 & 41, Page 3, Section 563.058, Lines 1 through 3, by deleting all of said lines and inserting in lieu thereof the following:

"563.058. 1. A person who uses force as described in sections 563.031, 563.041, 563.046, 563.051, 563.056, and 563.061 is justified in using such force and such fact shall be an absolute defense to criminal prosecution or civil liability, unless the person against whom"; and

Further amend said section, Page 3, Lines 7 through 9, by deleting all of the following sentence:

"As used in this subsection, the term "criminal prosecution" includes arresting, detaining in custody, and charging or prosecuting the defendant."; and

Further amend said bill, Page 4, Section 571.030, Line 33, by inserting after the word, "**jurisdiction**," the following, "**or all qualified retired peace officers, as defined in subsection 10 of this section, and who carry the identification required by subsection 11 of this section**"; and

Further amend said section, Page 6, Line 97, by inserting after all of said line the following:

"10. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more; or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

11. The identification required by this subsection is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm."; and

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

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

House Amendment No. 1

to

House Amendment No. 1

AMEND House Amendment No. 1 to House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 62 & 41, Page 2, Section (3), Line 26, after said line add:

"Also such certification shall be extended to persons who have served six years, or longer as an elected member of the Missouri General Assembly."; and

Further amend said bill by enacting clause accordingly.

Representative Whorton moved that **House Amendment No. 1 to House Amendment No. 1** be adopted.

Which motion was defeated.

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

House Amendment No. 2
to
House Amendment No. 1

AMEND House Amendment No. 1 to House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 62 & 41, Page 1, Line 5, by deleting from said line the word "**absolute**" and inserting in lieu thereof the word "**affirmative**"; and

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

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 62 & 41, Section 571.111, Page 9, Line 75, by inserting immediately after said line the following:

"630.140. 1. Information and records compiled, obtained, prepared or maintained by the residential facility, day program operated, funded or licensed by the department or otherwise, specialized service, or by any mental health facility or mental health program in which people may be civilly detained pursuant to chapter 632, RSMo, in the course of providing services to either voluntary or involuntary patients, residents or clients shall be confidential.

2. The facilities or programs shall disclose information and records including medication given, dosage levels, and individual ordering such medication to the following upon their request:

(1) The parent of a minor patient, resident or client;
(2) The guardian or other person having legal custody of the patient, resident or client;
(3) The attorney of a patient, resident or client who is a ward of the juvenile court, an alleged incompetent, an incompetent ward or a person detained under chapter 632, RSMo, as evidenced by court orders of the attorney's appointment;

(4) An attorney or personal physician as authorized by the patient, resident or client;
(5) Law enforcement officers and agencies, information about patients, residents or clients committed pursuant to chapter 552, RSMo, but only to the extent necessary to carry out the responsibilities of their office, and all such law enforcement officers shall be obligated to keep such information confidential;

(6) The entity or agency authorized to implement a system to protect and advocate the rights of persons with developmental disabilities under the provisions of 42 U.S.C. Sections 15042 to 15044. The entity or agency shall be able to obtain access to the records of a person with developmental disabilities who is a client of the entity or agency if such person has authorized the entity or agency to have such access; and the records of any person with developmental disabilities who, by reason of mental or physical condition is unable to authorize the entity or agency to have such access, if such person does not have a legal guardian, conservator or other legal representative, and a complaint has been received by the entity or agency with respect to such person or there is probable cause to believe that such person has been subject to abuse or neglect. The entity or agency obtaining access to a person's records shall meet all requirements for confidentiality as set out in this section;

(7) The entity or agency authorized to implement a system to protect and advocate the rights of persons with mental illness under the provisions of 42 U.S.C. 10801 shall be able to obtain access to the records of a patient, resident or client who by reason of mental or physical condition is unable to authorize the system to have such access, who does not have a legal guardian, conservator or other legal representative and with respect to whom a complaint has been received by the system or there is probable cause to believe that such individual has been subject to abuse or neglect. The entity or agency obtaining access to a person's records shall meet all requirements for confidentiality as set out in

this section. The provisions of this subdivision shall apply to a person who has a significant mental illness or impairment as determined by a mental health professional qualified under the laws and regulations of the state;

(8) To mental health coordinators, but only to the extent necessary to carry out their duties under chapter 632, RSMo.

3. The facilities or services may disclose information and records under any of the following:

(1) As authorized by the patient, resident or client;

(2) To persons or agencies responsible for providing health care services to such patients, residents or clients;

(3) To the extent necessary for a recipient to make a claim or for a claim to be made on behalf of a recipient for aid or insurance;

(4) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, program evaluations or similar studies; provided, that such personnel shall not identify, directly or indirectly, any individual patient, resident or client in any report of such research, audit or evaluation, or otherwise disclose patient, resident or client identities in any manner;

(5) To the courts as necessary for the administration of chapter 211, RSMo, 475, RSMo, 552, RSMo, or 632, RSMo;

(6) To law enforcement officers or public health officers, but only to the extent necessary to carry out the responsibilities of their office, and all such law enforcement and public health officers shall be obligated to keep such information confidential;

(7) Pursuant to an order of a court or administrative agency of competent jurisdiction;

(8) To the attorney representing petitioners, but only to the extent necessary to carry out their duties under chapter 632, RSMo;

(9) To the department of social services or the department of health and senior services as necessary to report or have investigated abuse, neglect, or rights violations of patients, residents, or clients;

(10) To a county board established pursuant to sections 205.968 to 205.972, RSMo 1986, but only to the extent necessary to carry out their statutory responsibilities. The county board shall not identify, directly or indirectly, any individual patient, resident or client;

(11) To parents, legal guardians, treatment professionals, law enforcement officers, and other individuals who by having such information could mitigate the likelihood of a suicide. The facility treatment team shall have determined that the consumer's safety is at some level of risk.

4. The facility or program shall document the dates, nature, purposes and recipients of any records disclosed under this section and sections 630.145 and 630.150.

5. The records and files maintained in any court proceeding under chapter 632, RSMo, shall be confidential and available only to the patient, the patient's attorney, guardian, or, in the case of a minor, to a parent or other person having legal custody of the patient, [and] to the petitioner and the petitioner's attorney, **and to the Missouri state highway patrol for reporting to the National Instant Criminal Background Check System (NICS)**. In addition, the court may order the release or use of such records or files only upon good cause shown, and the court may impose such restrictions as the court deems appropriate.

6. Nothing contained in this chapter shall limit the rights of discovery in judicial or administrative procedures as otherwise provided for by statute or rule.

7. The fact of admission of a voluntary or involuntary patient to a mental health facility under chapter 632, RSMo, may only be disclosed as specified in subsections 2 and 3 of this section."; and

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

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

On motion of Representative Ruestman, **HCS SCS SBs 62 & 41, as amended**, was adopted.

On motion of Representative Ruestman, **HCS SCS SBs 62 & 41, as amended**, was read the third time and passed by the following vote:

AYES: 154

Aull	Avery	Baker 25	Baker 123	Bearden
Bivins	Bland	Brandom	Bringer	Brown 50
Bruns	Burnett	Casey	Chappelle-Nadal	Cooper 120
Cooper 155	Cooper 158	Corcoran	Cox	Cunningham 145
Cunningham 86	Darrough	Daus	Davis	Day
Deeken	Dempsey	Denison	Dethrow	Dixon
Donnelly	Dougherty	Dusenberg	El-Amin	Emery
Ervin	Faith	Fallert	Fares	Fisher
Flook	Frame	Franz	George	Grill
Grisamore	Guest	Harris 23	Harris 110	Haywood
Hobbs	Hodges	Holsman	Hoskins	Hubbard
Hughes	Hunter	Icet	Johnson	Jones 89
Jones 117	Kelly	Kingery	Komo	Kratky
Kraus	Kuessner	Lampe	Lembke	LeVota
Liese	Lipke	Loehner	May	McClanahan
McGhee	Meadows	Meiners	Moore	Munzlinger
Muschany	Nance	Nieves	Nolte	Norr
Onder	Page	Parson	Pearce	Pollock
Portwood	Pratt	Quinn 7	Quinn 9	Richard
Robb	Robinson	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schneider	Schoeller	Schoemehl	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Stevenson	St. Onge	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Threlkeld	Tilley
Todd	Viebrock	Villa	Vogt	Wallace
Walsh	Walton	Wasson	Wells	Weter
Whorton	Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright 159	Wright-Jones	Yaeger	Yates
Young	Zimmerman	Zweifel	Mr Speaker	

NOES: 006

Bowman	Curls	Low 39	Lowe 44	Nasheed
Oxford				

PRESENT: 000

ABSENT WITH LEAVE: 003

Brown 30	Funderburk	Marsh
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Representative Muschany declared the bill passed.

Representative Dixon resumed the Chair.

Representative Muschany resumed the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 376, as amended**, and has taken up and passed **CCS HCS SB 376**.

Emergency clause adopted.

BILL IN CONFERENCE

CCR HCS SB 376, as amended, relating to financial impact on tourism, was taken up by Representative Wood.

On motion of Representative Wood, **CCR HCS SB 376, as amended**, was adopted by the following vote:

AYES: 152

Aull	Avery	Baker 25	Baker 123	Bearden
Bivins	Bland	Bowman	Brandom	Bringer
Brown 50	Burnett	Casey	Chappelle-Nadal	Cooper 120
Cooper 155	Cooper 158	Corcoran	Cox	Cunningham 145
Curls	Darrough	Daus	Day	Deeken
Dempsey	Denison	Dethrow	Dixon	Donnelly
Dougherty	Dusenberg	El-Amin	Emery	Ervin
Faith	Fallert	Fares	Fisher	Flook
Frame	Franz	Grill	Grisamore	Guest
Harris 23	Harris 110	Haywood	Hobbs	Hodges
Holsman	Hoskins	Hubbard	Hughes	Hunter
Ice	Johnson	Jones 89	Jones 117	Kelly
Kingery	Kratky	Kraus	Kuessner	Lampe
Lembke	LeVota	Liese	Lipke	Loehner
Low 39	Lowe 44	May	McClanahan	McGhee
Meadows	Meiners	Moore	Munzlinger	Muschany
Nance	Nasheed	Nieves	Nolte	Norr
Onder	Oxford	Parson	Pearce	Pollock
Portwood	Pratt	Quinn 7	Quinn 9	Richard
Robb	Robinson	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schneider	Schoeller	Schoemehl	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Stevenson	St. Onge	Storch	Stream	Sutherland
Swinger	Thomson	Threlkeld	Tilley	Todd
Viebrock	Villa	Vogt	Wallace	Walsh
Walton	Wells	Weter	Whorton	Wildberger
Wilson 119	Wilson 130	Witte	Wood	Wright 159
Wright-Jones	Yaeger	Yates	Young	Zimmerman
Zweifel	Mr Speaker			

NOES: 005

Cunningham 86	Davis	George	Komo	Talboy
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PRESENT: 000

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ABSENT WITH LEAVE: 006

Brown 30	Bruns	Funderburk	Marsh	Page
Wasson				

On motion of Representative Wood, **CCS HCS SB 376** was truly agreed to and finally passed by the following vote:

AYES: 150

Aull	Avery	Baker 123	Bearden	Bivins
Bland	Bowman	Brandom	Bringer	Brown 50
Bruns	Burnett	Casey	Chappelle-Nadal	Cooper 120
Cooper 155	Cooper 158	Corcoran	Cox	Cunningham 145
Curls	Darrough	Daus	Day	Deeken
Dempsey	Denison	Dethrow	Dixon	Donnelly
Dougherty	Dusenberg	El-Amin	Emery	Ervin
Faith	Fallert	Fares	Fisher	Flook
Frame	Franz	Grill	Grisamore	Guest
Harris 23	Harris 110	Haywood	Hobbs	Hodges
Holsman	Hoskins	Hubbard	Hughes	Hunter
Icet	Jones 89	Jones 117	Kelly	Kingery
Kratky	Kraus	Kuessner	Lampe	Lembke
LeVota	Liese	Lipke	Loehner	Low 39
Lowe 44	May	McClanahan	McGhee	Meadows
Meiners	Moore	Munzlinger	Muschany	Nance
Nasheed	Nieves	Nolte	Norr	Onder
Oxford	Page	Parson	Pearce	Pollock
Portwood	Pratt	Quinn 7	Quinn 9	Richard
Robb	Robinson	Roorda	Rucker	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schad
Scharnhorst	Schieffer	Schlottach	Schneider	Schoeller
Schoemehl	Self	Shively	Silvey	Smith 14
Smith 150	Spreng	Stevenson	St. Onge	Storch
Stream	Sutherland	Swinger	Thomson	Threlkeld
Tilley	Todd	Viebrock	Villa	Vogt
Wallace	Walsh	Walton	Wasson	Wells
Weter	Whorton	Wildberger	Wilson 119	Wilson 130
Witte	Wood	Wright 159	Wright-Jones	Yaeger
Yates	Young	Zimmerman	Zweifel	Mr Speaker

NOES: 007

Cunningham 86	Davis	George	Johnson	Komo
Skaggs	Talboy			

PRESENT: 000

ABSENT WITH LEAVE: 006

Baker 25	Brown 30	Funderburk	Marsh	Ruestman
Schaaf				

Representative Muschany declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 144

Aull	Avery	Baker 25	Baker 123	Bearden
Bivins	Bland	Bowman	Brandom	Bringer
Brown 50	Bruns	Casey	Chappelle-Nadal	Cooper 120
Cooper 155	Cooper 158	Corcoran	Cox	Cunningham 145
Curls	Darrough	Daus	Day	Deeken
Dempsey	Denison	Dethrow	Dixon	Donnelly
Dougherty	Dusenberg	El-Amin	Emery	Ervin
Faith	Fallert	Fares	Fisher	Flook
Frame	Franz	Grill	Grisamore	Harris 23
Harris 110	Haywood	Hodges	Holsman	Hoskins
Hubbard	Ice	Jones 89	Jones 117	Kelly
Kingery	Kratky	Kraus	Kuessner	Lampe
Lembke	LeVota	Liese	Lipke	Loehner
Lowe 44	May	McClanahan	McGhee	Meadows
Meiners	Moore	Munzlinger	Muschany	Nance
Nasheed	Nieves	Nolte	Norr	Onder
Oxford	Page	Parson	Pearce	Pollock
Portwood	Pratt	Quinn 7	Quinn 9	Richard
Robb	Robinson	Roorda	Rucker	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schneider
Schoeller	Schoemehl	Self	Shively	Silvey
Smith 14	Smith 150	Spreng	Stevenson	St. Onge
Storch	Stream	Sutherland	Swinger	Thomson
Threlkeld	Tilley	Todd	Viebrock	Villa
Wallace	Walsh	Walton	Wasson	Wells
Weter	Whorton	Wilson 119	Wilson 130	Witte
Wood	Wright 159	Wright-Jones	Yaeger	Yates
Young	Zimmerman	Zweifel	Mr Speaker	

NOES: 012

Burnett	Cunningham 86	Davis	George	Hughes
Johnson	Komo	Low 39	Skaggs	Talboy
Vogt	Wildberger			

PRESENT: 000

ABSENT WITH LEAVE: 007

Brown 30	Funderburk	Guest	Hobbs	Hunter
Marsh	Ruestman			

THIRD READING OF SENATE BILL

HCS#2 SB 406, with House Amendment No. 1 to House Amendment No. 1 and House Amendment No. 1, pending, relating to employee benefit plans, was taken up by Representative Wallace.

House Amendment No. 1 to House Amendment No. 1 was withdrawn.

Representative Portwood offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

House Substitute Amendment No. 1
for
House Amendment No. 1

AMEND House Committee Substitute No. 2 for Senate Bill No. 406, Page 2, Section 87.006, by inserting after all of said section the following:

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

(1) "Health savings account" or "account", shall have the same meaning ascribed to it as in 26 U.S.C. Section 223(d), as amended;

(2) "High deductible health plan", a policy or contract of health insurance or health care plan that meets the criteria established in 26 U.S.C. Section 223(c)(2), as amended, and any regulations promulgated thereunder.

2. Beginning with the open enrollment period for the 2008 plan year, the board shall offer to all qualified employees and participating public entities the option of receiving health care coverage through a high deductible health plan and the establishment of a health savings account. In no instance shall a qualified employee be required to enroll in a high deductible health plan with a deductible greater than the minimum allowed by law, however, a qualified employee shall have the option to enroll in a high deductible health plan up to the maximum allowed by law. The health savings account shall conform to the guidelines to be established by the Internal Revenue Service for the 2008 tax year but in no case shall a qualified employee be required to contribute more than the minimum amount allowed by law. A qualified employee may contribute up to the maximum allowed by law. In order for a qualified individual to obtain a high deductible health plan through the Missouri consolidated health care plan, such individual shall present evidence, in a manner prescribed by regulation, to the board that he or she has established a health savings account in compliance with 26 U.S.C. Section 223, and any amendments and regulations promulgated thereto.

3. The board is authorized to promulgate rules and regulations for the administration and implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

4. The board shall issue a request for proposals from insurance carriers interested in offering a high deductible health plan in connection with a health savings account."; and

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

Representative Dixon resumed the Chair.

Representative Ervin offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1.**

House Amendment No. 1
to
House Substitute Amendment No. 1
for
House Amendment No. 1

AMEND House Substitute Amendment No. 1 for House Amendment No. 1 to House Committee Substitute No. 2 for Senate Bill No. 406, Page 1, Line 10, by inserting after the word, "**employees**" the following words, "**, in addition to the plans currently offered including but not limited to health maintenance organization plans, preferred provider organization plans, copay plans,**"; and

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

On motion of Representative Ervin, **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1** was adopted.

On motion of Representative Portwood, **House Substitute Amendment No. 1. for House Amendment No 1, as amended**, was adopted.

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

House Amendment No. 2

AMEND House Committee Substitute No. 2 for Senate Bill No. 406, Page 2, Section 87.006, by inserting after all of said section the following:

"94.579. 1. The governing body of any home rule city with more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants is hereby authorized to impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not exceed one percent, and shall be imposed solely for the purpose of providing revenues for the operation of public safety departments, including police and fire departments, and for pension programs, and health care for employees and pensioners of the public safety departments. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the city submits to the voters residing within the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section.

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

Shall (insert the name of the city) impose a sales tax at a rate of (up to one) percent, solely for the purpose of providing revenues for the operation of public safety departments of the city?

☐ YES

☐ NO

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

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

3. All revenue collected under this section by the director of the department of revenue on behalf of any city, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Public Safety Protection Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such city. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. The director shall keep accurate records of the amounts in the fund, and such records shall be open to the inspection of the officers of such city and to the public. Not later than the tenth day of each month, the director shall distribute all moneys deposited in the fund during the preceding month to the city. Such funds shall be deposited with the treasurer of

the city, and all expenditures of moneys from the fund shall be by an appropriation ordinance enacted by the governing body of the city.

4. On or after the effective date of the tax, the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 and 32.087, RSMo, shall apply. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the city may authorize the use of a bracket system similar to that authorized in section 144.285, RSMo, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the city shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

5. All applicable provisions in sections 144.010 to 144.525, RSMo, governing the state sales tax, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for the tax and penalties under this section, the limitation for bringing suit for the collection of the delinquent tax and penalties shall be the same as that provided in sections 144.010 to 144.525, RSMo.

6. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city) repeal the sales tax imposed at a rate of (up to one) percent for the purpose of providing revenues for the operation of public safety departments of the city?

☐ YES

☐ NO

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

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. The governing body of any city that has adopted the sales tax authorized in this section shall submit the question of repeal of the tax to the voters every five years from the date of its inception on a date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city) repeal the sales tax imposed at a rate of (up to one) percent for the purpose of providing revenues for the operation of public safety departments of the city?

☐ YES

☐ NO

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

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least two percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

9. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the city shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city."; and

Further amend said bill, Page 44, Section 105.683, Line 1, by inserting after the words, "**Any plan**," the following words, "**other than a plan created pursuant to sections 169.010 through 169.141 or sections 169.600 through 169.715**"; and

Further amend said section, Page 44, Line 3, by deleting the word, "**three**" and inserting in lieu thereof the word, "**five**"; and

Further amend said section, Page 44, Line 4, by deleting the word, "**three**" and inserting in lieu thereof the word, "**five**"; and

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

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

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

House Amendment No. 3

AMEND House Committee Substitute No. 2 for Senate Bill No. 406, Section 211.393, Page 72, Line 209, by inserting after all of said line the following:

"321.220. For the purpose of providing fire protection to the property within the district, the district and, on its behalf, the board shall have the following powers, authority and privileges:

- (1) To have perpetual existence;
- (2) To have and use a corporate seal;
- (3) To sue and be sued, and be a party to suits, actions and proceedings;
- (4) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the district, including contracts with any municipality, district or state, or the United States of America, and any of their agencies, political subdivisions or instrumentalities, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service

relating to the control or prevention of fires, including the installation, operation and maintenance of water supply distribution, fire hydrant and fire alarm systems; provided, that a notice shall be published for bids on all construction or purchase contracts for work or material or both, outside the authority contained in subdivision (9) of this section, involving an expense of ten thousand dollars or more;

(5) Upon approval of the voters as herein provided, to borrow money and incur indebtedness and evidence the same by certificates, notes or debentures, and to issue bonds, in accordance with the provisions of this chapter;

(6) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property, fire stations, fire protection and fire-fighting apparatus and auxiliary equipment therefor, and any interest therein, including leases and easements;

(7) To refund any bonded indebtedness of the district without an election. The terms and conditions of refunding bonds shall be substantially the same as those of the original issue of bonds, and the board shall provide for the payment of interest, at not to exceed the legal rate, and the principal of such refunding bonds in the same manner as is provided for the payment of interest and principal of bonds refunded;

(8) To have the management, control and supervision of all the business and affairs of the district, and the construction, installation, operation and maintenance of district improvements therein;

(9) To hire and retain agents, employees, engineers and attorneys, including part-time or volunteer firemen;

(10) To have and exercise the power of eminent domain and in the manner provided by law for the condemnation of private property for public use to take any property within the district necessary to the exercise of the powers herein granted;

(11) To receive and accept by bequest, gift or donation any kind of property. Notwithstanding any other provision of law to the contrary, any property received by the fire protection district as a gift or any property purchased by the fire protection district at a price below the actual market value of the property may be returned to the donor or resold to the seller if such property is not used for the specific purpose for which it was acquired;

(12) To adopt and amend bylaws, fire protection and fire prevention ordinances, and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects and affairs of the board and of the district, and refer to the proper authorities for prosecution any infraction thereof detrimental to the district. Any person violating any such ordinance is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be punished as is provided by law therefor. The prosecuting attorney for the county in which the violation occurs shall prosecute such violations in the circuit court of that county. The legal officer or attorney for the fire district may be appointed by the prosecuting attorney as special assistant prosecuting attorney for the prosecution of any such violation. The enactments of the fire district in delegating administrative authority to officials of the district may provide standards of action for the administrative officials, which standards are declared as industrial codes adopted by nationally organized and recognized trade bodies. The board shall have the power to adopt an ordinance, rule, or regulation allowing the district to charge individuals who reside outside of the district, but who receive emergency services within the boundaries of the district, for the actual and reasonable cost of such services. However, such actual and reasonable costs shall not exceed one hundred dollars for responding to each fire call or alarm and two hundred fifty dollars for each hour or a proportional sum for each quarter hour spent in combating a fire or emergency;

(13) To pay all court costs and expenses connected with the first election or any subsequent election in the district;

(14) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this chapter;

(15) To provide for health, accident, disability and pension benefits for the salaried members of its organized fire department of the district and such other benefits for their spouses and eligible unemancipated children, through either or both a contributory or noncontributory plan. For purposes of this section, "eligible unemancipated child" means a natural or adopted child of an insured, or a stepchild of an insured who is domiciled with the insured, who is less than twenty-three years of age, who is not married, not employed on a full-time basis, not maintaining a separate residence except for full-time students in an accredited school or institution of higher learning, and who is dependent on parents or guardians for at least fifty percent of his or her support. The type and amount of such benefits shall be determined by the board of directors of the fire protection district within the level of available revenues of the pension program and other available revenues of the district. If an employee contributory plan is adopted, then [at least one voting member of the board of trustees shall be a member of the fire district elected by the contributing members, which shall not be

the same as the board of directors] **the employee contributory plan shall be administered by a separate pension board of trustees composed of five members, to be selected as follows: the pension plan participants shall nominate three such participants to be submitted to the board of directors; the board of directors shall appoint two of the three participants to serve on the five-member pension board of trustees; the board of directors shall be the other three members of the five-member pension board of trustees;**

(16) To contract with any municipality that is contiguous to a fire protection district for the fire protection district to provide fire protection to the municipality for a fee as hereinafter provided;

(17) To provide for life insurance, accident, sickness, health, disability, annuity, length of service, pension, retirement and other employee-type fringe benefits, subject to the provisions of section 70.615, RSMo, for the volunteer members of any organized fire department of the district and such other benefits for their spouses and eligible unemancipated children, through either a contributory or noncontributory plan, or both. For purposes of this section, "eligible unemancipated child" means a natural or adopted child of an insured, or a stepchild of an insured who is domiciled with the insured, who is less than twenty-three years of age, who is not married, not employed on a full-time basis, not maintaining a separate residence except for full-time students in an accredited school or institution of higher learning, and who is dependent on parents or guardians for at least fifty percent of his or her support. The type and amount of such benefits shall be determined by the board of directors of the fire protection district within available revenues of the district, including the pension program of the district. The provision and receipt of such benefits shall not make the recipient an employee of the district. Directors who are also volunteer members may receive such benefits while serving as a director of the district;

(18) To contract for services with any rural, volunteer or subscription fire department or organization, or volunteer fire protection association, as defined in section 320.300, RSMo, for the purpose of providing the benefits described in subdivision (17) of this section."; and

Further amend said bill, Section 321.800, Page 72, Lines 1 through 7, by removing all of said section from the bill; and

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

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

Representative Dixon requested a parliamentary ruling.

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

Representative Muschany resumed the Chair.

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

House Amendment No. 1
to
House Amendment No. 3

AMEND House Amendment No. 3 to House Committee Substitute No. 2 for Senate Bill No. 406, Page 3, Section 321.220, Line 29, by striking the word "nominate" and replace it with the word "elect"; and

Further amend House Amendment No. 3 to House Committee Substitute No. 2 for Senate Bill No. 406, Page 4, Section 321.220, Lines 1 through 3, by striking all of said lines and replacing said lines with the following:

"participants to serve on the five-member pension board; the board of directors shall elect from its membership the other two members of the five-member pension board of trustees;"; and

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

Representative Roorda moved that **House Amendment No. 1 to House Amendment No. 3** be adopted.

Which motion was defeated.

Representative Dixon resumed the Chair.

Representative Dempsey moved the previous question.

Which motion was adopted by the following vote:

AYES: 089

Avery	Baker 123	Bearden	Bivins	Brandom
Bruns	Cooper 120	Cooper 155	Cooper 158	Cox
Cunningham 145	Cunningham 86	Davis	Day	Deeken
Dempsey	Denison	Dethrow	Dixon	Dusenberg
Emery	Ervin	Faith	Fares	Fisher
Flook	Franz	Grisamore	Guest	Hobbs
Hunter	Ice	Jones 89	Jones 117	Kelly
Kingery	Kraus	Lembke	Lipke	Loehner
May	McGhee	Moore	Munzlinger	Muschany
Nance	Nieves	Nolte	Onder	Parson
Pearce	Pollock	Portwood	Pratt	Quinn 7
Richard	Robb	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schneider	Schoeller	Self	Silvey	Smith 14
Smith 150	Stevenson	St. Onge	Stream	Sutherland
Thomson	Threlkeld	Tilley	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wood	Wright 159	Yates	Mr Speaker	

NOES: 069

Aull	Baker 25	Bland	Bringer	Brown 50
Burnett	Casey	Chappelle-Nadal	Corcoran	Curls
Darrough	Daus	Donnelly	Dougherty	El-Amin
Fallert	Frame	George	Grill	Harris 23
Harris 110	Haywood	Hodges	Holsman	Hubbard
Hughes	Johnson	Komo	Kratky	Kuessner
Lampe	LeVota	Liese	Low 39	Lowe 44
McClanahan	Meadows	Meiners	Nasheed	Norr
Oxford	Page	Quinn 9	Robinson	Roorda
Rucker	Salva	Scavuzzo	Schieffer	Schoemehl
Shively	Skaggs	Spreng	Storch	Swinger
Talboy	Todd	Villa	Vogt	Walsh
Walton	Whorton	Wildberger	Witte	Wright-Jones
Yaeger	Young	Zimmerman	Zweifel	

PRESENT: 000

ABSENT WITH LEAVE: 005

Bowman	Brown 30	Funderburk	Hoskins	Marsh
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HCS#2 SB 406, as amended, with House Amendment No. 3, pending, was laid over.

Speaker Jetton resumed the Chair.

SIGNING OF HOUSE BILL

All other business of the House was suspended while **HCS HB 405** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **HCS HB 405** was delivered to the Governor by the Chief Clerk of the House.

Representative Dixon resumed the Chair.

THIRD READING OF SENATE BILLS

HCS#2 SB 406, as amended, with House Amendment No. 3, pending, relating to employee benefit plans, was again taken up by Representative Wallace.

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

Which motion was defeated by the following vote:

AYES: 054

Baker 123	Bearden	Bivins	Brandom	Cooper 120
Cooper 155	Cox	Cunningham 145	Cunningham 86	Day
Denison	Dethrow	Dixon	Emery	Ervin
Fares	Fisher	Grisamore	Haywood	Hobbs
Hunter	Icet	Jones 89	Jones 117	Loehner
May	McGhee	Munzlinger	Muschany	Nance
Onder	Parson	Pearce	Pratt	Quinn 7
Richard	Ruestman	Ruzicka	Sater	Scharnhorst
Schlottach	Schoeller	Self	Stevenson	Thomson
Tilley	Wallace	Walton	Wasson	Wilson 119
Wilson 130	Wood	Wright-Jones	Mr Speaker	

NOES: 104

Aull	Avery	Baker 25	Bland	Bowman
Bringer	Brown 50	Bruns	Burnett	Casey
Chappelle-Nadal	Cooper 158	Corcoran	Curls	Darrough
Daus	Davis	Deeken	Dempsey	Donnelly
Dougherty	Dusenberg	El-Amin	Faith	Fallert
Flook	Frame	Franz	George	Grill
Guest	Harris 23	Harris 110	Hodges	Holsman
Hubbard	Hughes	Johnson	Kelly	Kingery
Komo	Kratky	Kraus	Kuessner	Lampe
Lembke	LeVota	Liese	Lipke	Low 39
Lowe 44	McClanahan	Meadows	Meiners	Moore
Nasheed	Nieves	Nolte	Norr	Oxford
Page	Pollock	Portwood	Quinn 9	Robb
Robinson	Roorda	Rucker	Salva	Sander
Scavuzzo	Schaaf	Schad	Schieffer	Schneider
Schoemehl	Shively	Silvey	Skaggs	Smith 150
Spreng	St. Onge	Storch	Stream	Sutherland
Swinger	Talboy	Threlkeld	Todd	Viebrock
Villa	Vogt	Walsh	Wells	Weter

Whorton
Yates

Wildberger
Young

Witte
Zimmerman

Wright 159
Zweifel

Yaeger

PRESENT: 001

Smith 14

ABSENT WITH LEAVE: 004

Brown 30

Funderburk

Hoskins

Marsh

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

House Amendment No. 4

AMEND House Committee Substitute No. 2 for Senate Bill No. 406, Page 15, Section 104.320, Line 57, by inserting after the word, "**contracts**" the following words, "**and may employ or contract with third-party advisors**"; and

Further amend said section, Page 15, Line 58, by inserting after the word, "**section.**" the following words, "**The board shall have the power to borrow money for any of the authorized purposes of the board and to issue negotiable notes, bonds or other instruments in writing in evidence of the sum or sums to be borrowed.**"; and

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

Representative Muschany resumed the Chair.

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

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

House Amendment No. 5

AMEND House Committee Substitute No. 2 for Senate Bill No. 406, Page 1, Section A, by inserting after all of said section the following:

"50.1250. 1. If a member has less than five years of creditable service upon termination of employment, the member shall forfeit the portion of his or her defined contribution account attributable to board matching contributions or county matching contributions pursuant to section 50.1230. The proceeds of such forfeiture shall be applied towards matching contributions made by the board for the calendar year in which the forfeiture occurs. If the board does not approve a matching contribution, then forfeitures shall revert to the county employees' retirement fund. The proceeds of such forfeiture with respect to county matching contributions shall be applied toward matching contributions made by the respective county in accordance with rules prescribed by the board.

2. A member shall be eligible to receive a distribution of the member's defined contribution account in such form selected by the member as permitted under and in accordance with the rules and regulations formulated and adopted by the board from time to time, and commencing as soon as administratively feasible following separation from service, unless the member elects to receive the account balance at a later time, but no later than his or her required beginning date. Notwithstanding the foregoing, if the value of a member's defined contribution account balance is [five] **one** thousand dollars or less at the time of the member's separation from service, without respect to any board-matching contributions or employer-matching contribution which might be allocated following the member's separation from service, then his or her defined contribution account shall be distributed to the member in a single sum as soon as administratively feasible following his or her separation from service. The amount of the distribution shall be the amount determined as of the valuation date described in section 50.1240, if the member has at least five years of creditable service. If the member has less than five years of creditable service upon his or her separation from service, then the

amount of the distribution shall equal the portion of the member's defined contribution account attributable to the member's seed contributions pursuant to section 50.1220, if any, determined as of the valuation date.

3. If the member dies before receiving the member's account balance, the member's designated beneficiary shall receive the member's defined contribution account balance, as determined as of the immediately preceding valuation date, in a single sum. The member's beneficiary shall be his or her spouse, if married, or his or her estate, if not married, unless the member designates an alternative beneficiary in accordance with procedures established by the board."; and

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

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

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

House Amendment No. 6

AMEND House Committee Substitute No. 2 for Senate Bill No. 406, Page 1, Section A, Line 10, by inserting after all of said line the following:

"86.1230. 1. Any member who retires subsequent to August 28, 1991, with entitlement to a pension under sections 86.900 to 86.1280, shall receive each month, in addition to such member's base pension and cost-of-living adjustments thereto under section 86.1220, and in addition to any other compensation or benefit to which such member may be entitled under sections 86.900 to 86.1280, a supplemental retirement benefit of fifty dollars per month. The amount of such supplemental retirement benefit may be adjusted by cost-of-living adjustments determined by the retirement board not more frequently than annually. [Such determination shall be based on advice of the plan's actuary that the increase in the benefit will not cause the present value of anticipated future plan benefits, calculated on the actuarial assumptions used for the most recent annual valuation, to exceed the sum of the trust fund assets plus the present value of anticipated contributions to the trust fund.]

2. Any member who was retired on or before August 28, 1991, and is receiving retirement benefits from the retirement system shall, upon application to the retirement board, be retained as a consultant, and for such services such member shall receive each month, in addition to such member's base pension and cost-of-living adjustments thereto under section 86.1220, and in addition to any other compensation or benefit to which such member may be entitled under sections 86.900 to 86.1280, a supplemental compensation in the amount of fifty dollars per month. This appointment as a consultant shall in no way affect any member's eligibility for retirement benefits under the provisions of sections 86.900 to 86.1280, or in any way have the effect of reducing retirement benefits otherwise payable to such member. The amount of such supplemental compensation under this subsection may be adjusted by cost-of-living adjustments determined by the retirement board not more frequently than annually. [Such determination shall be based on advice of the plan's actuary that the increase in the benefit will not cause the present value of anticipated future plan benefits, calculated on the actuarial assumptions used for the most recent annual valuation, to exceed the sum of the trust fund assets plus the present value of anticipated contributions to the trust fund.]

3. [In determining and granting the cost-of-living adjustments under this section, the retirement board shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section, including provisions for the manner of computation of such adjustments and the effective dates thereof. The retirement board shall provide for such adjustments to be determined once each year and granted on a date or dates to be chosen by the board. The retirement board shall not be required to prorate the initial adjustment to any supplemental retirement benefit or any supplemental compensation under this section for any member.

4.] For purposes of subsections 1 and 2 of this section, the term "member" shall include a surviving spouse entitled to a benefit under sections 86.900 to 86.1280 who shall be deemed to have retired for purposes of this section on the date of retirement of the member of whom such person is the surviving spouse or on the date of death of such member if such member died prior to retirement; provided, that if the surviving spouse of any member who retired prior to August 28, 2000, shall not have remarried prior to August 28, 2000, but remarries thereafter, such surviving spouse shall thereafter receive benefits under subsection 2 of this section, and provided further, that no benefits shall be payable under this section to the surviving spouse of any member who retired prior to August 28, 2000, if such surviving spouse was at any time remarried after the member's death and prior to August 28, 2000. All benefits payable to a surviving

spouse under this section shall be in addition to all other benefits to which such surviving spouse may be entitled under other provisions of sections 86.900 to 86.1280. Any such surviving spouse of a member who dies while entitled to payments under this section shall succeed to the full amount of payment under this section to which such member was entitled at the time of such member's death, including any cost-of-living adjustments received by such member in the payment under this section prior to such member's death. In all events, the term "member" shall not include any children of the member who would be entitled to receive part or all of the pension which would be received by a surviving spouse if living.

4. Any member who is receiving benefits from the retirement system and who either was retired under the provisions of subdivision (1) of subsection 1 of section 86.1150, or who retired before August 28, 2001, under the provisions of section 86.1180 or section 86.1200, shall, upon application to the retirement board, be retained as a consultant. For such services such member shall receive each month in addition to such member's base pension and cost-of-living adjustments thereto under section 86.1220, and in addition to any other compensation or benefit to which such member may be entitled under sections 86.900 to 86.1280, an equalizing supplemental compensation of ten dollars per month. This appointment as a consultant shall in no way affect any member's eligibility for retirement benefits under the provisions of sections 86.900 to 86.1280, or in any way have the effect of reducing retirement benefits otherwise payable to such member. The amount of equalizing supplemental compensation under this subsection may be adjusted by cost-of-living adjustments, determined by the retirement board not more frequently than annually, but in no event shall the aggregate of such equalizing supplemental compensation together with all such cost-of-living adjustments thereto exceed twenty-five percent of the member's base pension. Each cost-of-living adjustment to compensation under this subsection shall be determined independently of any cost-of-living adjustment to any other benefit under sections 86.900 to 86.1280. For the purposes of this subsection, the term "member" shall include a surviving spouse entitled to benefits under the provisions of section 86.900 to 86.1280, and who is the surviving spouse of a member who qualified, or would have qualified if living, for compensation under this subsection. Such surviving spouse shall, upon application to the retirement board, be retained as a consultant, and for such services shall be compensated in an amount equal to the compensation which would have been received by the member under this subsection, if living. Any such surviving spouse of a member who dies while entitled to payments under this subsection shall succeed to the full amount of payment under this subsection to which such member was entitled at the time of such member's death, including any cost-of-living adjustments received by such member in the payment under this subsection prior to such member's death. In all events, the term "member" shall not include any children of the member who would be entitled to receive part or all of the pension that would be received by a surviving spouse, if living.

5. A surviving spouse who is entitled to benefits under the provisions of subsection 1 of section 86.1240 as a result of the death prior to August 28, 2007, of a member in service, and who is receiving benefits from the retirement system, shall, upon application to the retirement board, be retained as a consultant, and for such services such surviving spouse shall receive each month an equalizing supplemental compensation of ten dollars per month. A surviving spouse entitled to benefits under the provisions of subsection 1 of section 86.1240 as a result of the death of a member in service on or after August 28, 2007, shall receive each month an equalizing supplemental benefit of ten dollars per month. All benefits payable to a surviving spouse under this subsection shall be in addition to all other benefits to which such surviving spouse may be entitled under other provisions of sections 86.900 to 86.1280 and shall in no way have the effect of reducing benefits otherwise payable to such surviving spouse. The amount of equalizing supplemental benefit or equalizing supplemental compensation under this subsection may be adjusted by cost-of-living adjustments, determined by the retirement board not more frequently than annually, but in no event shall the aggregate of such equalizing supplemental benefit or compensation together with all such cost-of-living adjustments thereto exceed twenty-five percent of the base pension of the surviving spouse. Each cost-of-living adjustment to an equalizing supplemental benefit or compensation under this subsection shall be determined independently of any cost-of-living adjustment to any other benefit under sections 86.900 to 86.1280. In all events the term "surviving spouse" as used in this subsection shall not include any children of the member who would be entitled to receive part or all of the pension that would be received by a surviving spouse, if living.

6. In determining and granting the cost-of-living adjustments under this section, the retirement board shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section, including provisions for the manner of computation of such adjustments and the effective dates thereof. The retirement board shall provide for such adjustments to be determined once each year and granted on a date or dates to be

chosen by the board. The retirement board shall not be required to prorate the initial adjustment to any benefit or compensation under this section for any member.

[5.] 7. The determination of whether the retirement system will remain actuarially sound shall be made at the time any cost-of-living adjustment under this section is granted. If at any time the retirement system ceases to be actuarially sound, [supplemental retirement] **any** benefit [payments under subsection 1 of this section and supplemental] **or** compensation payments [as a consultant under subsection 2 of] **provided under** this section shall continue as adjusted by increases or decreases theretofore granted. A member of the retirement board shall have no personal liability for granting increases under this section if that retirement board member in good faith relied and acted upon advice of a qualified actuary that the retirement system would remain actuarially sound.

86.1600. 1. Any member who retires subsequent to August 28, 1997, **and on or before August 28, 2007**, with entitlement to a pension under sections 86.1310 to 86.1640, **and any member who retires subsequent to August 28, 2007, with entitlement to a pension under sections 86.1310 to 86.1640 and who either has at least fifteen years of creditable service or is retired under subsection 1 of section 86.1560**, shall receive each month, in addition to such member's base pension and cost-of-living adjustments thereto under section 86.1590, and in addition to any other compensation or benefit to which such member may be entitled under sections 86.1310 to 86.1640, a supplemental retirement benefit of fifty dollars per month. The amount of such supplemental retirement benefit may be adjusted by cost-of-living adjustments determined by the retirement board not more frequently than annually. [Such determination shall be based on advice of the plan's actuary that the increase in the benefit will not cause the present value of anticipated future plan benefits, calculated on the actuarial assumptions used for the most recent annual valuation, to exceed the sum of the trust fund assets plus the present value of anticipated contributions to the trust fund.]

2. Any member who was retired on or before August 28, 1997, and is receiving retirement benefits from the retirement system shall, upon application to the retirement board, be retained as a consultant, and for such services such member shall receive each month, in addition to such member's base pension and cost-of-living adjustments thereto under section 86.1590, and in addition to any other compensation or benefit to which such member may be entitled under sections 86.1310 to 86.1640, a supplemental compensation in the amount of fifty dollars per month. This appointment as a consultant shall in no way affect any member's eligibility for retirement benefits under the provisions of sections 86.1310 to 86.1640, or in any way have the effect of reducing retirement benefits otherwise payable to such member. The amount of such supplemental compensation under this subsection may be adjusted by cost-of-living adjustments determined by the retirement board not more frequently than annually. [Such determination shall be based on advice of the plan's actuary that the increase in the benefit will not cause the present value of anticipated future plan benefits, calculated on the actuarial assumptions used for the most recent annual valuation, to exceed the sum of the trust fund assets plus the present value of anticipated contributions to the trust fund.]

3. In determining and granting the cost-of-living adjustments under this section, the retirement board shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section, including provisions for the manner of computation of such adjustments and the effective dates thereof. The retirement board shall provide for such adjustments to be determined once each year and granted on a date or dates to be chosen by the board. The retirement board shall not be required to prorate the initial adjustment to any supplemental retirement benefit or any supplemental compensation under this section for any member.

4. For purposes of subsections 1 and 2 of this section, the term "member" shall include a surviving spouse who is entitled to a benefit under sections 86.1310 to 86.1640, who shall be deemed to have retired for purposes of this section on the date of retirement of the member of whom such person is the surviving spouse or on the date of death of such member if such member died prior to retirement; **provided, that no benefits shall be payable under this section to the surviving spouse of any member who died while in active service after August 28, 2007, unless such death occurred in the line of duty or course of employment or as the result of an injury or illness incurred in the line of duty or course of employment or unless such member had at least fifteen years of creditable service. The surviving spouse of a member who died in service after August 28, 2007, whose death occurred in the line of duty or course of employment or as the result of an injury or illness incurred in the line of duty or course of employment shall be entitled to benefits under subsection 1 of this section without regard to such member's years of creditable service.** All benefits payable to a surviving spouse under this section shall be in addition to all other benefits to which such surviving spouse may be entitled under other provisions of sections 86.1310 to 86.1640. Any [such] **qualifying** surviving spouse of a member who dies while entitled to payments under this section shall succeed to the full amount of payment under this section to which such member was entitled at the time of such member's death,

including any cost-of-living adjustments received by such member in the payment under this section prior to such member's death.

5. The determination of whether the retirement system will remain actuarially sound shall be made at the time any cost-of-living adjustment under this section is granted. If at any time the retirement system ceases to be actuarially sound, supplemental retirement benefit payments under subsection 1 of this section and supplemental compensation payments as a consultant under subsection 2 of this section shall continue as adjusted by increases or decreases theretofore granted. A member of the retirement board shall have no personal liability for granting increases under this section if that retirement board member in good faith relied and acted upon advice of a qualified actuary that the retirement system would remain actuarially sound."; and

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

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

Representative Harris (23) offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute No. 2 for Senate Bill No. 406, Page 8, Section 104.010, Line 190, by inserting after all of said line the following:

"3. Notwithstanding any other provision of law, the board of trustees shall not invest in or administer any benefit plan that contains equities, bonds, or any other ownership interests in any company or business entity incorporated or having any physical location whatsoever in the country of Sudan, or in any company or business entity that conducts business with another business entity incorporated or having any physical location whatsoever in the county of Sudan. This provision should remain in effect only insofar as it continues to be consistent with, and does not unduly interfere with, the foreign policy of the United States as determined by the federal government."; and

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

Representative Yates offered **House Substitute Amendment No. 1 for House Amendment No. 7**.

*House Substitute Amendment No. 1
for
House Amendment No. 7*

AMEND House Committee Substitute No. 2 for Senate Bill No. 406, Page 8, Section 104.010, Line 190, by inserting after all of said line the following:

"3. Notwithstanding any other provision of law, the board of trustees shall immediately enact all necessary provisions and take all necessary actions to ensure that no public funds are invested in entities that have direct financial relationships with the U.S. State Department-designated terrorist-sponsoring states, and to replace any holdings that are divested with comparable investments. This in no way shall apply to any company that is providing humanitarian aid for the citizens of these nations."; and

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

Representative Harris (23) offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 7**.

House Amendment No. 1
to
House Substitute Amendment No. 1
for
House Amendment No. 7

AMEND House Substitute Amendment No. 1 for House Amendment No. 7 to House Committee Substitute No. 2 for Senate Bill No. 406, Page 1, Section 104.010, Line 8, by inserting after the word "nations.", the following:

"This provision should remain in effect only insofar as it continues to be consistent with, and does not unduly interfere with, the foreign policy of the United States as determined by the federal government.".

On motion of Representative Harris (23), **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 7** was adopted.

On motion of Representative Yates, **House Substitute Amendment No. 1 for House Amendment No. 7, as amended**, was adopted by the following vote:

AYES: 158

Aull	Avery	Baker 25	Baker 123	Bearden
Bivins	Bland	Bowman	Brandom	Bringer
Brown 50	Bruns	Burnett	Casey	Chappelle-Nadal
Cooper 120	Cooper 155	Cooper 158	Corcoran	Cox
Cunningham 145	Cunningham 86	Curls	Darrough	Daus
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Donnelly	Dougherty	Dusenberg
El-Amin	Emery	Ervin	Faith	Fallert
Fares	Fisher	Flook	Frame	Franz
George	Grill	Grisamore	Guest	Harris 23
Harris 110	Hobbs	Hodges	Holsman	Hoskins
Hubbard	Hughes	Hunter	Icet	Johnson
Jones 89	Jones 117	Kelly	Kingery	Komo
Kratky	Kraus	Kuessner	Lampe	Lembke
LeVota	Liese	Lipke	Loehner	Low 39
Lowe 44	May	McClanahan	McGhee	Meadows
Meiners	Moore	Munzlinger	Muschany	Nance
Nasheed	Nieves	Nolte	Norr	Onder
Oxford	Page	Parson	Pearce	Pollock
Portwood	Pratt	Quinn 7	Quinn 9	Richard
Robb	Robinson	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schneider	Schoeller	Schoemehl	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
St. Onge	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Threlkeld	Tilley	Todd
Viebrock	Villa	Vogt	Wallace	Walsh
Walton	Wasson	Wells	Weter	Whorton
Wildberger	Wilson 119	Wilson 130	Witte	Wood
Wright 159	Wright-Jones	Yaeger	Yates	Young
Zimmerman	Zweifel	Mr Speaker		

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NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Brown 30 Funderburk Haywood Marsh Stevenson

On motion of Representative Wallace, **HCS#2 SB 406, as amended**, was adopted.

On motion of Representative Wallace, **HCS#2 SB 406, as amended**, was read the third time and passed by the following vote:

AYES: 156

Aull	Avery	Baker 25	Baker 123	Bearden
Bivins	Bland	Bowman	Brandom	Bringer
Brown 50	Bruns	Burnett	Casey	Chappelle-Nadal
Cooper 120	Cooper 155	Cooper 158	Corcoran	Cox
Cunningham 145	Cunningham 86	Curls	Darrough	Daus
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Donnelly	Dougherty	Dusenberg
El-Amin	Emery	Ervin	Faith	Fallert
Fares	Fisher	Flook	Frame	Franz
George	Grill	Grisamore	Guest	Harris 23
Harris 110	Hobbs	Hodges	Holsman	Hoskins
Hubbard	Hughes	Hunter	Ice	Johnson
Jones 89	Jones 117	Kelly	Kingery	Komo
Kratky	Kraus	Kuessner	Lampe	Lembke
LeVota	Liese	Lipke	Loehner	Low 39
May	McClanahan	McGhee	Meadows	Meiners
Moore	Munzlinger	Muschany	Nance	Nasheed
Nieves	Nolte	Norr	Onder	Oxford
Page	Parson	Pearce	Pollock	Portwood
Pratt	Quinn 7	Quinn 9	Richard	Robb
Robinson	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schneider
Schoeller	Schoemehl	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Spreng	St. Onge
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Threlkeld	Tilley	Todd	Viebrock
Villa	Vogt	Wallace	Walsh	Walton
Wells	Weter	Whorton	Wildberger	Wilson 119
Wilson 130	Witte	Wood	Wright 159	Wright-Jones
Yaeger	Yates	Young	Zimmerman	Zweifel
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Brown 30 Funderburk Haywood Lowe 44 Marsh
Stevenson Wasson

Representative Muschany declared the bill passed.

SCS SB 46, relating to a Faith-Based Organization Liaison Act, was again taken up by Representative Grisamore.

Representative Jones (89) assumed the Chair.

Representative Muschany resumed the Chair.

Representative Dempsey moved the previous question.

Which motion was adopted by the following vote:

AYES: 088

Avery	Baker 123	Bearden	Bivins	Brandom
Cooper 120	Cooper 155	Cooper 158	Cox	Cunningham 145
Cunningham 86	Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dixon	Dusenberg	Emery
Ervin	Faith	Fares	Fisher	Flook
Franz	Grisamore	Guest	Haywood	Hobbs
Hunter	Ice	Jones 89	Jones 117	Kelly
Kingery	Kraus	Lembke	Lipke	Loehner
May	McGhee	Moore	Munzlinger	Muschany
Nance	Nieves	Nolte	Onder	Parson
Pearce	Pollock	Portwood	Pratt	Quinn 7
Richard	Robb	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schneider	Schoeller	Self	Silvey	Smith 14
Smith 150	St. Onge	Stream	Sutherland	Thomson
Threlkeld	Tilley	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wood
Wright 159	Yates	Mr Speaker		

NOES: 069

Aull	Baker 25	Bland	Bowman	Bringer
Brown 50	Burnett	Casey	Chappelle-Nadal	Corcoran
Curls	Darrough	Daus	Donnelly	El-Amin
Fallert	Frame	George	Grill	Harris 23
Harris 110	Hodges	Holsman	Hoskins	Hubbard
Hughes	Johnson	Komo	Kratky	Kuessner
Lampe	LeVota	Liese	Low 39	Lowe 44
McClanahan	Meadows	Meiners	Nasheed	Norr
Oxford	Page	Quinn 9	Robinson	Roorda
Rucker	Salva	Scavuzzo	Schieffer	Schoemehl
Shively	Skaggs	Spreng	Storch	Swinger
Talboy	Todd	Villa	Vogt	Walsh
Walton	Whorton	Wildberger	Witte	Wright-Jones
Yaeger	Young	Zimmerman	Zweifel	

PRESENT: 000

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ABSENT WITH LEAVE: 006

Brown 30	Bruns	Dougherty	Funderburk	Marsh
Stevenson				

On motion of Representative Grisamore, **SCS SB 46** was truly agreed to and finally passed by the following vote:

AYES: 122

Aull	Avery	Baker 123	Bearden	Bivins
Brandom	Bringer	Casey	Chappelle-Nadal	Cooper 120
Cooper 155	Cooper 158	Corcoran	Cox	Cunningham 145
Cunningham 86	Curls	Davis	Day	Deeken
Dempsey	Denison	Dethrow	Dixon	Donnelly
Dusenberg	El-Amin	Emery	Ervin	Faith
Fallert	Fisher	Franz	Grill	Grisamore
Guest	Harris 23	Harris 110	Hobbs	Hodges
Holsman	Hoskins	Hubbard	Hunter	Ice
Jones 89	Jones 117	Kelly	Kingery	Komo
Kraus	Kuessner	Lampe	Lembke	LeVota
Liese	Lipke	Loehner	May	McGhee
Meiners	Moore	Munzlinger	Muschany	Nance
Nasheed	Nieves	Nolte	Norr	Onder
Page	Parson	Pearce	Pollock	Portwood
Pratt	Quinn 7	Quinn 9	Richard	Robb
Robinson	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schneider	Schoeller	Self	Shively
Silvey	Smith 14	Smith 150	Spreng	St. Onge
Storch	Stream	Sutherland	Swinger	Thomson
Threlkeld	Tilley	Todd	Viebrock	Wallace
Walton	Wasson	Wells	Weter	Wilson 119
Wilson 130	Witte	Wood	Wright 159	Yates
Zweifel	Mr Speaker			

NOES: 027

Baker 25	Bowman	Burnett	Darrough	Daus
Dougherty	Flook	Frame	George	Haywood
Kratky	Low 39	Lowe 44	Oxford	Salva
Schoemehl	Skaggs	Talboy	Villa	Vogt
Walsh	Whorton	Wildberger	Wright-Jones	Yaeger
Young	Zimmerman			

PRESENT: 006

Brown 50	Fares	Johnson	Meadows	Roorda
Rucker				

ABSENT WITH LEAVE: 008

Bland	Brown 30	Bruns	Funderburk	Hughes
Marsh	McClanahan	Stevenson		

Representative Muschany declared the bill passed.

HOUSE BILLS WITH SENATE AMENDMENTS

HB 574, with Senate Amendment No. 1 and Senate Amendment No. 3, relating to law enforcement system records, was taken up by Representative St. Onge.

Representative St. Onge moved that the House refuse to concur in **Senate Amendment No. 1** and **Senate Amendment No. 3** to **HB 574** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SS HB 665, as amended, relating to the preservation of county documents, was taken up by Representative Ervin.

Representative Ervin moved that the House refuse to adopt **SS HB 665, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

COMMITTEE REPORTS

Committee on Elementary and Secondary Education, Chairman Cunningham (86) reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **SB 132**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **SB 140**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

Committee on Higher Education, Chairman Kingery reporting:

Mr. Speaker: Your Committee on Higher Education, to which was referred **SS#6 SCS SB 389**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Cooper (120) reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 44**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HCR 45**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HJR 11**, begs leave to report it has examined the same and recommends that it **Do Not Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 869**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1052**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1272**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 4**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SCS SB 22**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 54**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 86**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 162**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 171**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SCS SBs 255, 249 & 279**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 309**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 315**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 325**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 369 and SB 550**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SS SB 417**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 419**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 433**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 497**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 582**, begs leave to report it has examined the same and recommends that it **Do Pass**.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HB 205**, entitled:

An act to repeal sections 67.1360, 67.2500, 67.2510, 89.010, 89.400, and 620.467, RSMo, and section 67.2505 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular session, and section 67.2505, as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 833 merged with house committee substitute for senate substitute for senate bill no 732, ninety-second general assembly, second regular session, and to enact in lieu thereof seven new sections relating to the promotion of tourism.

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

Senate Amendment No. 1

AMEND Senate Substitute for House Bill No. 205, Page 2, Section A, Line 1, by inserting immediately after all of said line the following:

"67.997. 1. The governing body of any county of the third classification without a township form of government and with more than eighteen thousand one hundred but fewer than eighteen thousand two hundred inhabitants may impose, by order or ordinance, a sales tax on all retail sales made within the county which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not exceed one-fourth of one percent, and shall be imposed solely for the purpose of funding senior services and youth programs provided by the county. One-half of all revenue collected under this section, less one-half the cost of collection shall be used solely to fund any service or activity deemed necessary by the senior service tax commission established in this section, and one-half of all revenue collected under this section, less one-half the cost of collection shall be used solely to fund all youth programs administered by an existing county community task force. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the county submits to the voters residing within the county at a state general, primary, or special election a proposal to authorize the governing body of the county to impose a tax under this section.

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

Shall (insert the name of the county) impose a sales tax at a rate of (insert rate of percent) percent, with half of the revenue from the tax, less one-half the cost of collection, to be used solely to fund senior services provided by the county and half of the revenue from the tax, less one-half the cost of collection, to be used solely to fund youth programs provided by the county?

☐ YES

☐ NO

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

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following the approval of the tax or notification to the department of revenue administered by the department of revenue. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. On or after the effective date of any tax authorized under this section, the county which imposed the tax shall enter into an agreement with the director of the department of revenue for the purpose of collecting the tax authorized in this section. On or after the effective date of the tax the director of revenue shall be responsible

for the administration, collection, enforcement, and operation of the tax, and sections 32.085 and 32.087, RSMo, shall apply. All revenue collected under this section by the director of the department of revenue on behalf of any county, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Senior Services and Youth Programs Sales Tax Trust Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the county may authorize the use of a bracket system similar to that authorized in section 144.285, RSMo, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the county shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

5. All applicable provisions in sections 144.010 to 144.525, RSMo, governing the state sales tax, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525, RSMo.

6. The governing body of any county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for the purpose of funding senior services and youth programs provided by the county?

☐ YES

☐ NO

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

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Whenever the governing body of any county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the county a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-

first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the county shall notify the director of the department of revenue of the action at least thirty days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director shall remit the balance in the account to the county and close the account of that county. The director shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

9. Each county imposing the tax authorized in this section shall establish a senior services tax commission to administer the portion of the sales tax revenue dedicated to providing senior services. Such commission shall consist of seven members appointed by the county commission. The county commission shall determine the qualifications, terms of office, compensation, powers, duties, restrictions, procedures, and all other necessary functions of the commission."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Substitute for House Bill No. 205, Page 21, Section 89.400, Line 14, by inserting after all of said line the following:

"94.870. In addition to all other taxes prescribed by law, the governing body of any municipality of the third classification with a population of at least fifteen thousand but not more than eighteen thousand inhabitants located within a county with a population of at least thirty-five thousand but not more than forty-five thousand inhabitants which has a total assessed valuation of at least two hundred seventy-five million dollars but not more than three hundred twenty-five million dollars, the governing body of any county with a population of at least twenty thousand but not more than twenty-five thousand which has a total assessed valuation of at least one hundred twenty million dollars but not more than one hundred forty million dollars **or any municipality located in such county** and the governing body of any county with a population of at least twenty-eight thousand but not more than thirty-one thousand which has a total assessed valuation of at least two hundred fifty-five million dollars or any municipality located in such county and the governing body of any county with a population of at least twenty-five thousand but not more than thirty thousand which has a total assessed valuation of at least two hundred million dollars but not more than two hundred five million dollars or any municipality located in such county, or any city located partially but not wholly within a county of the third classification with a population of at least thirty-nine thousand inhabitants may impose, by ordinance or order, a tax on the price paid or charged to any person for rooms or accommodations paid by transient guests of hotels, motels, condominium units, campgrounds, and tourist courts situated within the political subdivision, at a rate not to exceed four percent of such price paid or charged. As used in this section, the term "hotel", "motel", or "tourist court" means any structure or building, under one management, which contains rooms furnished for the accommodation or lodging of guests, with or without meals being provided, including bed and breakfast facilities, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests, and the term "campground" means real property, other than state-owned property, which contains parcels for rent to transient guests for pay or compensation, which may include temporary utility hook-ups for use by the transient guests, and where such transient guests generally use tents, recreational vehicles or some other form of temporary shelter while on the rented premises. Shelters for the homeless operated by not-for-profit organizations are not a hotel, motel, or tourist court for the purposes of this section. As used in this section, the term "transient guest" means a person who occupies a room or rooms in a hotel, motel, campground, or tourist court for thirty consecutive days or less.

94.875. All taxes authorized and collected under sections 94.870 to 94.881 shall be deposited by the political subdivision in a special trust fund to be known as the "Tourism Tax Trust Fund". The moneys in such tourism tax trust fund shall not be commingled with any other funds of the political subdivision except as specifically provided in this section. The taxes collected [shall] **may** be used, upon appropriation by the political subdivision, [solely] for the purpose of constructing, maintaining, or operating convention and tourism facilities[, and at least twenty-five percent of such taxes collected shall be used for tourism marketing and promotional purposes]; except that in any city with a population of less than [one] **seven** thousand five hundred inhabitants, forty percent of such taxes collected may be transferred to such city's general revenue fund and the remaining thirty-five percent may be used for city capital improvements, pursuant to voter approval. The moneys in the tourism tax trust fund of any city with a population of at least fifteen thousand located partially but not wholly within a county of the third classification with a population of at least thirty-nine thousand inhabitants shall be used solely for tourism marketing and promotional purposes. The tax authorized by section 94.870 shall be in addition to any and all other sales taxes allowed by law, but no ordinance or order imposing a tax under section 94.870 shall be effective unless the governing body of the political subdivision submits to the voters of the political subdivision at a municipal or state general, primary, or special election a proposal to authorize the governing body of the political subdivision to impose such tax."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 352**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 428**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 467**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HB 740**, entitled:

An act to authorize the conveyance of state property.

In which the concurrence of the House is respectfully requested.

COMMITTEE CHANGES

The Speaker submitted the following Committee changes:

Representative Wildberger is no longer a member of the Conference Committee on SCS HCS HB 8 and the Conference Committee on SCS HCS HB 9.

Representative Brown (50) has been appointed a member of the Conference Committee on SCS HCS HB 8.

Representative Johnson has been appointed a member of the Conference Committee on SCS HCS HB 9.

MESSAGE FROM THE GOVERNOR

EXECUTIVE OFFICE

May 1, 2007

TO THE CHIEF CLERK OF THE
HOUSE OF REPRESENTATIVES
94th GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI:

Herewith I return to you **Senate Substitute for House Committee Substitute for House Bill No. 453** entitled:

"AN ACT"

To repeal section 135.1150, RSMo, and to enact in lieu thereof two new sections relating to tax credits for certain contributions.

On May 1, 2007, I approved said **Senate Substitute for House Committee Substitute for House Bill No. 453**.

Respectfully submitted,

/s/ Matt Blunt
Governor

RECESS

Representative Dempsey moved the House stand in recess until the Conference Committee Report on **SS SCS HCS HB 327, as amended**, has been distributed, and then stand adjourned until 10:00 a.m., Wednesday, May 2, 2007.

**CONFERENCE COMMITTEE REPORT
ON
SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 327**

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, with Senate Amendment Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, Senate Substitute Amendment No. 1 for Senate Amendment No. 22, 23, 24, 25, Senate Amendment No. 2 to Senate Amendment No. 27, Senate Amendment No. 27 as amended, 28, and 29, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, as amended;

2. That the House recede from its position on House Committee Substitute for House Bill No. 327;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Ron Richard
/s/ Ed Robb
/s/ Rod Jetton
/s/ Fred Kratky
/s/ Clint Zweifel

FOR THE SENATE:

/s/ Chris Koster
/s/ Jason Crowell
/s/ Victor Callahan
/s/ Harry Kennedy

ADJOURNMENT

Pursuant to the motion of Representative Dempsey, the House adjourned until 10:00 a.m., Wednesday, May 2, 2007.

CORRECTION TO THE HOUSE JOURNAL

Correct House Journal, Sixty-fourth Day, Thursday, April 26, 2007, Page 1358, Lines 34 and 35, by deleting all of said lines and inserting in lieu thereof the following:

"AMEND House Committee Substitute No. 2 for Senate Bill No. 406, Page 2, Section 87.006, Line 21, by inserting after said line the following:"

COMMITTEE MEETINGS

AGRICULTURE POLICY

Thursday, May 3, 2007, 8:00 a.m. Hearing Room 6.
Executive session.

CONFERENCE COMMITTEE - APPROPRIATIONS

Wednesday, May 2, 2007, 8:00 a.m. Senate Lounge.
Executive session may follow.

Public hearings to be held on: SCS HB 1, SCS HCS HB 2, SCS HCS HB 3,
SCS HCS HB 4, SCS HCS HB 5, SCS HCS HB 6, SCS HCS HB 7, SCS HCS HB 8,
SCS HCS HB 9, SCS HCS HB 10, SCS HCS HB 11, SCS HCS HB 12, SCS HCS HB 13

CONFERENCE COMMITTEE - APPROPRIATIONS

Thursday, May 3, 2007, 8:00 a.m. Senate Lounge.
Executive session may follow.

Public hearings to be held on: SCS HB 1, SCS HCS HB 2, SCS HCS HB 3,
SCS HCS HB 4, SCS HCS HB 5, SCS HCS HB 6, SCS HCS HB 7, SCS HCS HB 8,
SCS HCS HB 9, SCS HCS HB 10, SCS HCS HB 11, SCS HCS HB 12, SCS HCS HB 13

CONFERENCE COMMITTEE - APPROPRIATIONS

Friday, May 4, 2007, 8:00 a.m. Senate Lounge.

Executive session may follow.

Public hearings to be held on: SCS HB 1, SCS HCS HB 2, SCS HCS HB 3, SCS HCS HB 4, SCS HCS HB 5, SCS HCS HB 6, SCS HCS HB 7, SCS HCS HB 8, SCS HCS HB 9, SCS HCS HB 10, SCS HCS HB 11, SCS HCS HB 12, SCS HCS HB 13

ELEMENTARY AND SECONDARY EDUCATION

Tuesday, May 8, 2007, Hearing Room 3 upon afternoon adjournment.

Executive session may follow.

Public hearing to be held on: HB 1232

FISCAL REVIEW

Thursday, May 3, 2007, 9:00 a.m. Hearing Room 1.

Any bills referred to Fiscal Review Committee.

JUDICIARY

Thursday, May 3, 2007, House Chamber south gallery upon morning adjournment.

Executive session only.

LOCAL GOVERNMENT

Wednesday, May 2, 2007, 12:30 p.m. Hearing Room 1.

Executive session on bills previously heard in committee.

RULES - PURSUANT TO RULE 25(21)(f)

Wednesday, May 2, 2007, 1:00 p.m. Hearing Room 2.

Executive session may follow.

Public hearings to be held on: HCS HB 886, HCS#2 HB 406 & 726, SS#6 SCS SB 389, HCS SCS SB 47

SPECIAL COMMITTEE ON FAMILY SERVICES

Wednesday, May 2, 2007, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: SB 323

SPECIAL COMMITTEE ON GENERAL LAWS

Wednesday, May 2, 2007, 9:30 a.m. Hearing Room 7.

Executive session. AMENDED

SPECIAL COMMITTEE ON HEALTHCARE FACILITIES

Wednesday, May 2, 2007, Hearing Room 3 upon morning recess.

A draft HCS will be considered.

For further information, please contact rob.schaaf@house.mo.gov.

Meeting may be continued upon afternoon adjournment.

Executive session may follow. AMENDED

Public hearing to be held on: SS SCS SB 577

SPECIAL COMMITTEE ON JOB CREATION AND ECONOMIC DEVELOPMENT

Wednesday, May 2, 2007, Hearing Room 7 upon afternoon recess.

Executive session may follow.

Public hearing to be held on: HB 991

SPECIAL COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING

Thursday, May 3, 2007, 8:30 a.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: SCS SB 664

SPECIAL COMMITTEE ON STATE PARKS AND WATERWAYS

Thursday, May 3, 2007, 9:00 a.m. Hearing Room 4. AMENDED

Executive session will be held on: HB 354

SPECIAL COMMITTEE ON UTILITIES

Wednesday, May 2, 2007, 12:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HB 1164, SS SCS SBs 49, 65, 210 & 251, SS SB 40

SPECIAL COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, May 2, 2007, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearing to be held on: SS SCS SB 668

HOUSE CALENDAR

SIXTY-SEVENTH DAY, WEDNESDAY, MAY 2, 2007

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 21 - Cooper (120)
- 2 HCS HJR 9 - Dethrow
- 3 HJR 6 - Bruns
- 4 HCS HJR 20 - Bearden

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 90, HA 1, pending - St. Onge
- 2 HCS HB 889 - Emery
- 3 HCS HB 111, as amended, HA 2, pending - Cunningham (145)
- 4 HCS HB 466 - Schaaf
- 5 HCS HB 771 - Bearden
- 6 HCS HBs 180, 396 & 615 - Day
- 7 HCS HB 238 - Yates
- 8 HB 360, HSA 1 for HA 1, HA 1, pending - Robb
- 9 HCS HB 788 - Cooper (155)
- 10 HCS HB 218 - Stevenson
- 11 HCS HB 811 - Schad
- 12 HB 412 - Emery
- 13 HB 432 - Schaaf
- 14 HCS HB 699 - Tilley
- 15 HCS HB 768 - St. Onge
- 16 HCS HB 122 - Nance
- 17 HCS HB 487 - Cooper (120)
- 18 HCS HB 493 - Baker (123)
- 19 HCS HB 512 - Pratt
- 20 HCS HB 261, as amended - Yates
- 21 HB 746 - Franz

- 22 HB 882 - Page
- 23 HCS HB 1002 - Fisher
- 24 HCS HB 124 - Nance
- 25 HCS HB 765, HA 1, pending - Dempsey
- 26 HCS HBs 807 & 690 - Baker (123)
- 27 HCS HB 121 - Nance
- 28 HB 249 - Moore
- 29 HCS HB 252 - Robb
- 30 HCS HB 417 - Cunningham (86)
- 31 HCS HB 478 - Dethrow
- 32 HCS HB 490 - Baker (123)
- 33 HCS HB 508 - Schaaf
- 34 HCS HB 709 - Dethrow
- 35 HB 821 - Onder
- 36 HCS HB 995 - Hobbs
- 37 HCS#2 HB 85 - Kraus
- 38 HCS HB 399 - Walton
- 39 HCS HB 624 - Wilson (119)
- 40 HCS#2 HB 752 - Sutherland
- 41 HCS HB 1000 - Storch
- 42 HCS HB 1044 - Deeken
- 43 HCS HB 244 - Wells
- 44 HCS HB 587 - Tilley
- 45 HCS HB 628 - Loehner
- 46 HCS HB 629 - Hunter
- 47 HCS HB 872 - Cooper (158)
- 48 HCS HB 913 - Cooper (120)
- 49 HB 932 - Grill
- 50 HCS HB 1089 - Stevenson
- 51 HCS HB 347 - Munzlinger
- 52 HB 439 - Hunter
- 53 HCS HB 630 - Schlottach
- 54 HB 646 - Young
- 55 HCS HB 919 - Schneider
- 56 HCS HB 944 - Cooper (120)
- 57 HCS HB 1264 - Page
- 58 HB 758 - Brown (50)
- 59 HCS HB 425 - Pearce
- 60 HCS HB 429 - Jones (117)
- 61 HCS HB 716 - Davis
- 62 HCS HB 95 - Sater
- 63 HB 479 - Darrough
- 64 HB 733 - Page
- 65 HCS HB 769 - Bruns
- 66 HCS HB 802 - Page
- 67 HB 1155 - Wright-Jones
- 68 HCS HB 442 - Kingery
- 69 HB 727 - Portwood
- 70 HB 888 - Grisamore
- 71 HCS HB 923 - Kratky
- 72 HB 1251 - Komo
- 73 HCS HB 331 - Lipke
- 74 HCS#2 HB 735 - Cooper (158)

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75 HCS HB 833 - Wasson

76 HB 1104 - Hughes

HOUSE BILL FOR PERFECTION - INFORMAL

HB 61 - Ruestman

HOUSE CONCURRENT RESOLUTION FOR THIRD READING

HCR 49, (4-23-07, Pages 1277-1278) - Portwood

HOUSE BILL FOR THIRD READING

HCS HBs 365, 804 & 805, (Fiscal Review 4-03-07) - Ervin

HOUSE BILL FOR THIRD READING - CONSENT

HB 910 - Fares

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 28, (2-27-07, Pages 438-439) - Walton
- 2 HCS HCR 21, (3-29-07, Pages 852-853) - Dethrow
- 3 HCR 33, (3-30-07, Pages 872-873) - Guest
- 4 HCR 43, (4-12-07, Pages 1081-1082) - Page
- 5 HCS HCR 26, (3-14-07, Pages 686-688) - El-Amin
- 6 HCR 54, (4-18-07, Pages 1202-1203) - Sutherland
- 7 HCR 38, (4-19-07, Page 1248) - Wright

SENATE BILLS FOR THIRD READING - CONSENT

- 1 HCS SCS SB 272 - Wasson
- 2 SB 407 - Deeken
- 3 HCS SB 322 - Cooper (158)
- 4 HCS SB 166 - Wood
- 5 SB 172 - Flook
- 6 HCS SB 270 - Jones (117)
- 7 HCS SCS SB 288, SB 152 & SCS SB 115, E.C. - Robinson
- 8 SB 298 - Schaaf
- 9 SCS SB 397 - Schaaf
- 10 HCS SB 127 - Schlottach

SENATE BILLS FOR THIRD READING

- 1 HCS SB 84 - Franz
- 2 SCS SB 91 - St. Onge
- 3 SB 135 - Kingery
- 4 HCS SCS SB 232 - Cooper (158)
- 5 HCS SCS SB 384, E.C. - Daus
- 6 HCS SCS SB 520 - Hunter
- 7 SB 352 - Ruzicka
- 8 HCS SCS SB 82, (Fiscal Review 4-24-07) - Tilley (90 minute debate on Third Reading)
- 9 HCS SB 593 & SCS SB 594 - May

- 10 SB 648 - Kelly
- 11 HCS SB 666 - Grill
- 12 HCS SCS SB 156, (Fiscal Review 4-26-07), E.C. - Quinn (7) (90 minute debate on Third Reading)
- 13 HCS SS SCS SB 320 - Quinn (7)
- 14 SCS SB 418, (Fiscal Review 4-26-07) - Weter
- 15 SB 513 - Wasson

SENATE BILL FOR THIRD READING - REVISION

HCS SRB 613 - Wasson

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SS SCS HCS HB 16 - Icet
- 2 HB 56, SA 1 - Sater
- 3 HCS HB 616, SA 1 - Wood
- 4 SCS HB 684, as amended, E.C. - Bruns
- 5 SCS HCS HB 795, as amended - Flook
- 6 SCS HCS HB 18 - Icet
- 7 SCS HCS HB 426 - Parson
- 8 SCS HCS HB 17 - Icet
- 9 SS HB 205, as amended - Marsh
- 10 SS SCS HB 740 - Pearce

BILLS CARRYING REQUEST MESSAGES

- 1 HCS SCS SB 64, as amended (request House recede/grant conference), E.C. - Wallace
- 2 HCS SB 81, as amended (request House recede/grant conference), E.C. - Schlottach
- 3 HCS SCS SB 198, (request House recede/grant conference) - Pollock
- 4 HCS SB 25, as amended (request House recede/grant conference) - Franz
- 5 HB 574, SA 1, SA 3 (request Senate recede/grant conference), E.C. - St. Onge
- 6 SS HB 665, as amended (request Senate recede/grant conference) - Ervin

BILLS IN CONFERENCE

- 1 CCR SS SCS HCS HB 327, E.C. - Richard
- 2 HCS SB 30, as amended - Stevenson
- 3 HCS SCS SB 308, as amended - Wasson
- 4 SB 233, HA 1, HA 2, HA 3, HA 4, HA 5 - Stevenson
- 5 SCS HB 1 - Icet
- 6 SCS HCS HB 2 - Icet
- 7 SCS HCS HB 3 - Icet
- 8 SCS HCS HB 4 - Icet
- 9 SCS HCS HB 5 - Icet
- 10 SCS HCS HB 6 - Icet
- 11 SCS HCS HB 7 - Icet
- 12 SCS HCS HB 8 - Icet
- 13 SCS HCS HB 9 - Icet
- 14 SCS HCS HB 10 - Icet
- 15 SCS HCS HB 11, as amended - Icet
- 16 SCS HCS HB 12 - Icet
- 17 SCS HCS HB 13 - Icet

SENATE CONCURRENT RESOLUTIONS

- 1 SCR 18, (3-12-07, Page 892) - Deeken
- 2 SCS SCR 5, (3-01-07, Page 529) - Threlkeld

HOUSE RESOLUTION

HR 1678, (4-12-07, Page 1076) - Jones (117)