# JOURNAL OF THE HOUSE

First Regular Session, 94th GENERAL ASSEMBLY

SEVENTIETH DAY, TUESDAY, MAY 8, 2007

The House met pursuant to adjournment.

Speaker Jetton in the Chair.

Prayer by Reverend Frank Bussmann, Associate Pastor, St. Peter Catholic Church, Jefferson City.

Gracious and Holy God, help us to remember that Your love for us, as individuals and in relation with one another, is unconditional, passionate and absolutely reliable. Give us the strength and courage to show forth that love in the way we treat our brothers and sisters.

Awaken in us the gift of ultimate truth about human life, along with the duty of serving humanity. Grant us the diligence to seek You, eyes to behold You and a heart to meditate on You. And let us give You the benefit of believing that Your hand is leading us, accepting the anxiety of feeling ourselves in suspense and not yet complete.

We make these prayers through the power of the Spirit of Jesus Christ our Savior. 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: Shafer Wood, Lucas Clenney, Austin Hillis, Quan Elliott, Jordan Potts, Taylor Clayton, Conner Blinzler, Madison Blinzler, Alan Lehane, Gabe Brazel, Megan Schwartz, Brad Gaines, Tori Gaines, Gloria Niewald, Rachel Robin, Philip Robin, David Wood and John Ellebrecht.

The Journal of the sixty-ninth day was approved as corrected.

## SECOND READING OF SENATE BILL

**SS SCS SB 225** was read the second time.

## SIGNING OF SENATE BILL

All other business of the House was suspended while **HCS SCS SB 288, SB 152 & SCS SB 115** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

## THIRD READING OF SENATE BILLS

**HCS SCS SB 54**, relating to environmental regulations, was taken up by Representative Bivins.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 54, Page 1, Section A, Line 3, by inserting after all of said line the following:

"**256.700. 1. Any operator desiring to engage in surface mining who applies for a permit under section 444.772, RSMo, shall in addition to all other fees authorized under such section, annually submit a geologic resources fee. Such fee shall be deposited in the geologic resources fund established and expended under section 256.705. For any operator of a gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, there shall be no fee under this section.**

**2. The director of the department of natural resources may require a geologic resources fee for each permit not to exceed one hundred dollars. The director may also require a geologic resources fee for each site listed on a permit not to exceed one hundred dollars for each site. The director may also require a geologic resources fee for each acre permitted by the operator under section 444.772, RSMo, not to exceed ten dollars per acre. If such fee is assessed, the fee per acre on all acres bonded by a single operator that exceeds a total of three hundred acres shall be reduced by fifty percent. In no case shall the geologic resources fee portion for any permit issued under section 444.772, RSMo, be more than three thousand five hundred dollars.**

**3. Beginning August 28, 2007, the geologic resources fee shall be set at a permit fee of fifty dollars, a site fee of fifty dollars, and an acre fee of six dollars. Fees may be raised as allowed in this subsection by a regulation change promulgated by the director of the department of natural resources. Prior to such a regulation change, the director shall consult the industrial minerals advisory council created under section 256.710 in order to determine the need for such an increase in fees.**

**4. Fees imposed under this section shall become effective August 28, 2007, and shall expire on December 31, 2020. No other provisions of sections 256.700 to 256.710 shall expire.**

**5. The department of natural resources may promulgate rules to implement the provisions of sections 256.700 to 256.710. 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 under 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.**

**256.705. 1. All sums received through the payment of fees under section 256.700 shall be placed in the state treasury and credited to the "Geologic Resources Fund" which is hereby created.**

**2. After appropriation by the general assembly, the money in such fund shall be expended to collect, process, manage, and distribute geologic and hydrologic resource information pertaining to mineral resource potential in order to assist the mineral industry and for no other purpose. Such funds shall be utilized by the division of geology and land survey within the department of natural resources.**

**3. Any portion of the fund not immediately needed for the purposes authorized shall be invested by the state treasurer as provided by the constitution and laws of this state. All income from such investments shall, unless otherwise prohibited by the constitution of this state, be deposited in the geologic resources fund. The provisions of section 33.080, RSMo, relating to the transfer of unexpended balances in various funds to the general revenue fund at the end of each biennium shall not apply to funds in the geologic resources fund.**

**4. General revenue of the state or other state funds may be appropriated or expended for the administration of sections 256.700 to 256.710. The state geologist may enter into a memorandum of understanding or other agreement that allows for state or federal funds to supplement the geologic resources fund.**

**256.710. 1. There is hereby created an advisory council to the state geologist known as the "Industrial Minerals Advisory Council". The council shall be composed of nine members as follows:**

**(1) The director of the department of transportation or his or her designee;**

**(2) Eight representatives of the following industries appointed by the director of the department of natural resources:**

**(a) Three representing the limestone quarry operators;**
**(b) One representing the clay mining industry;**
**(c) One representing the sandstone mining industry;**
**(d) One representing the sand and gravel mining industry;**
**(e) One representing the barite mining industry; and**
**(f) One representing the granite mining industry.**

**The director of the department of natural resources or his or her designee shall act as chairperson of the council and convene the council as needed.**

**2. The advisory council shall:**

**(1) Meet at least once each year;**

**(2) Annually review with the state geologist the income received and expenditures made under sections 256.700 and 256.705;**

**(3) Consider all information and advise the director of the department of natural resources in determining the method and amount of fees to be assessed;**

**(4) In performing its duties under this subsection, represent the best interests of the Missouri mining industry;**

**(5) Serve in an advisory capacity in all matters pertaining to the administration of this section and section 256.700;**

**(6) Serve in an advisory capacity in all other matters brought before the council by the director of the department of natural resources.**

**3. All members of the advisory council, with the exception of the director of the department of transportation or his or her designee who shall serve indefinitely, shall serve for terms of three years and until their successors are duly appointed and qualified; except that, of the members first appointed:**

**(1) One member who represents the limestone quarry operators, the representative of the clay mining industry, and the representative of the sandstone mining industry shall serve terms of three years;**

**(2) One member who represents the limestone quarry operators, the representative of the sand and gravel mining industry, and the representative of the barite mining industry shall serve terms of two years; and**

**(3) One member who represents the limestone quarry operators, and the representative of the granite mining industry shall serve a term of one year.**

**4. All members shall be residents of this state. Any member may be reappointed.**

**5. All members shall be reimbursed for reasonable expenses incurred in the performance of their official duties in accordance with the reimbursement policy set by the director. All reimbursements paid under this section shall be paid from fees collected under section 256.700.**

**6. Every vacancy on the advisory council shall be filled by the director of the department of natural resources. The person selected to fill any such vacancy shall possess the same qualifications required by this section as the member he or she replaces and shall serve until the end of the unexpired term of his or her predecessor.**"; and

Further amend said bill, Page 2, Section 260.200, Line 28, by inserting after all of said line the following:

"**9. "Construction and demolition waste", waste materials from the construction and demolition of residential, industrial, or commercial structures, but shall not include materials defined as clean fill under this section;**"; and

Further amend said section, Page 4, Line 89, by inserting after all of said line the following:

"**(28) "Plasma arc technology", a process that converts electrical energy into thermal energy. This electric arc is created when an ionized gas transfers electric power between two or more electrodes;**"; and

Further amend said section, Page 5, Line 151, by inserting after all of said line the following:

"**(d) A plasma arc technology facility;**"; and

Further amend said section, Pages 1 through 6, by changing all numerical references as necessary; and

Further amend said bill, Page 6, Section 260.200, Line 173, by inserting after all of said line the following:

"260.211. 1. A person commits the offense of criminal disposition of demolition waste [in the first degree] if he purposely or knowingly disposes of or causes the disposal of more than two thousand pounds or four hundred cubic feet of such waste [in violation of section 260.210] **on property in this state other than in a solid waste processing facility or solid waste disposal area having a permit as required by section 260.205; provided that, this subsection shall not prohibit the use or require a solid waste permit for the use of solid wastes in normal farming operations or in the processing or manufacturing of other products in a manner that will not create a public nuisance or adversely affect public health and shall not prohibit the disposal of or require a solid waste permit for the disposal by an individual of solid wastes resulting from his or her own residential activities on property owned or lawfully occupied by him or her when such wastes do not thereby create a public nuisance or adversely affect the public health**. Demolition waste shall not include clean fill or vegetation. Criminal disposition of demolition waste [in the first degree] is a class [A misdemeanor] **D felony**. In addition to other penalties prescribed by law, a person convicted of criminal disposition of demolition waste [in the first degree] is subject to a fine not to exceed twenty thousand dollars, except as provided below. The magnitude of the fine shall reflect the seriousness or potential seriousness of the threat to human health and the environment posed by the violation, but shall not exceed twenty thousand dollars, except that if a court of competent jurisdiction determines that the person responsible for illegal disposal of demolition waste under this subsection did so for remuneration as a part of an ongoing commercial activity, the court shall set a fine which reflects the seriousness or potential threat to human health and the environment which at least equals the economic gain obtained by the person, and such fine may exceed the maximum established herein.

2. **Any person who purposely or knowingly disposes of or causes the disposal of more than two thousand pounds or four hundred cubic feet of his or her personal construction or demolition waste on his or her own property shall be guilty of a class C misdemeanor. If such person receives any amount of money, goods, or services in connection with permitting any other person to dispose of construction or demolition waste on his or her property, such person shall be guilty of a class D felony**.

**3.** The court shall order any person convicted of illegally disposing of demolition waste upon his own property for remuneration to clean up such waste and, if he fails to clean up the waste or if he is unable to clean up the waste, the court may notify the county recorder of the county containing the illegal disposal site. The notice shall be designed to be recorded on the record.

[3. Any person who pleads guilty or is convicted of criminal disposition of demolition waste in the first degree a second or subsequent time shall be guilty of a class D felony, and subject to the penalties provided in subsection 1 of this section in addition to those penalties prescribed by law.

4. A person commits the offense of criminal disposition of demolition waste in the second degree if he purposely or knowingly disposes of or causes the disposal of less than the amount of demolition waste specified in subsection 1 of this section in violation of section 260.210. Criminal disposition of demolition waste in the second degree is a class C misdemeanor.

5. In addition to other penalties prescribed by law, a person convicted of criminal disposition of demolition waste in the second degree is subject to a fine, and the magnitude of the fine shall reflect the seriousness or potential seriousness of the threat to human health and the environment posed by the violation, but shall not exceed two thousand dollars.

6. Any person who pleads guilty or is convicted of criminal disposition of demolition waste in the second degree a second or subsequent time shall be guilty of a class D felony, and subject to the penalties provided in subsection 5 of this section in addition to those penalties prescribed by law.

7.] **4.** The court may order restitution by requiring any person convicted under this section to clean up any demolition waste he illegally dumped and the court may require any such person to perform additional community service by cleaning up and properly disposing of demolition waste illegally dumped by other persons.

[8.] **5.** The prosecutor of any county or circuit attorney of any city not within a county may, by information or indictment, institute a prosecution for any violation of the provisions of this section.

**6. Any person shall be guilty of conspiracy as defined in section 564.016, RSMo, if he or she knows or should have known that his or her agent or employee has committed the acts described in sections 260.210 to 260.212 while engaged in the course of employment**.

260.212. 1. A person commits the offense of criminal disposition of solid waste [in the first degree] if he purposely or knowingly disposes of or causes the disposal of more than five hundred pounds or one hundred cubic feet of commercial or residential solid waste [on any property in this state other than a sanitary landfill in violation of section 260.210] **on property in this state other than a solid waste processing facility or solid waste disposal area having a permit as required by section 260.205; provided that, this subsection shall not prohibit the use or require a solid waste permit for the use of solid wastes in normal farming operations or in the processing or manufacturing of other products in a manner that will not create a public nuisance or adversely affect public health and shall not prohibit the disposal of or require a solid waste permit for the disposal by an individual of solid wastes resulting from his or her own residential activities on property owned or lawfully occupied by him or her when such wastes do not thereby create a public nuisance or adversely affect the public health**. Criminal disposition of solid waste [in the first degree] is a class [A misdemeanor] **D felony**. In addition to other penalties prescribed by law, a person convicted of criminal disposition of solid waste [in the first degree] is subject to a fine, and the magnitude of the fine shall reflect the seriousness or potential seriousness of the threat to human health and the environment posed by the violation, but shall not exceed twenty thousand dollars, except that if a court of competent jurisdiction determines that the person responsible for illegal disposal of solid waste under this subsection did so for remuneration as a part of an ongoing commercial activity, the court shall set a fine which reflects the seriousness or potential threat to human health and the environment which at least equals the economic gain obtained by the person, and such fine may exceed the maximum established herein.

2. The court shall order any person convicted of illegally disposing of solid waste upon his own property for remuneration to clean up such waste and, if he fails to clean up the waste or if he is unable to clean up the waste, the court may notify the county recorder of the county containing the illegal disposal site. The notice shall be designed to be recorded on the record.

3. [Any person who pleads guilty or is convicted of criminal disposition of solid waste in the first degree a second or subsequent time shall be guilty of a class D felony. If a court of competent jurisdiction determines that the person responsible for illegal disposal of solid waste under this subsection did so for remuneration as a part of an ongoing commercial activity, the court shall set a fine which reflects the seriousness or potential threat to human health and the environment which equals at least three times the economic gain obtained by the person, and such fine may exceed the maximum established in this section.

4. A person commits the offense of criminal disposition of solid waste in the second degree if he purposely or knowingly disposes of or causes the disposal of less than the amount of commercial or residential solid waste specified in subsection 1 of this section on any property in this state other than a permitted sanitary landfill in violation of section 260.210. Criminal disposition of solid waste in the second degree is a class C misdemeanor.

5. In addition to other penalties prescribed by law, a person convicted of criminal disposition of solid waste in the second degree is subject to a fine, and the magnitude of the fine shall reflect the seriousness or potential seriousness of the threat to human health and the environment posed by the violation, but shall not exceed two thousand dollars.

6. Any person who pleads guilty or is convicted of criminal disposition of solid waste in the second degree a second or subsequent time shall be guilty of a class D felony. If a court of competent jurisdiction determines that the person responsible for illegal disposal of solid waste under this subsection did so for remuneration as a part of an ongoing commercial activity, the court shall set a fine which reflects the seriousness or potential threat to human health and the environment which equals at least three times the economic gain obtained by the person, and such fine may exceed the maximum established in this subsection.

7.] The court may order restitution by requiring any person convicted under this section to clean up any commercial or residential solid waste he illegally dumped and the court may require any such person to perform additional community service by cleaning up commercial or residential solid waste illegally dumped by other persons.

[8.] **4.** The prosecutor of any county or circuit attorney of any city not within a county may, by information or indictment, institute a prosecution for any violation of the provisions of this section.

[9.] **5.** Any person shall be guilty of conspiracy as defined in section 564.016, RSMo, if he knows or should have known that his agent or employee has committed the acts described in sections 260.210 to 260.212 while engaged in the course of employment.

260.240. 1. In the event the director determines that any provision of sections 260.200 to 260.245 **and 260.330** or any standard, rule, regulation, final order or approved plan promulgated pursuant thereto is being, was, or is in imminent danger of being violated, the director may, in addition to those remedies provided in section 260.230, cause

to have instituted a civil action in any court of competent jurisdiction for injunctive relief to prevent any such violation or further violation or in the case of violations concerning a solid waste disposal area or a solid waste processing facility, for the assessment of a penalty not to exceed one thousand dollars per day for each day, or part thereof, the violation occurred and continues to occur, or both, as the court deems proper **or in the case of violations concerning a solid waste disposal area and in the case of a violation of section 260.330 by a solid waste processing facility, for the assessment of a penalty not to exceed five thousand dollars per day, or part thereof, the violation occurred and continues to occur, or both, as the court deems proper**. A civil monetary penalty under this section shall not be assessed for a violation where an administrative penalty was assessed under section 260.249. The director may request either the attorney general or a prosecuting attorney to bring any action authorized in this section in the name of the people of the state of Missouri. Suit can be brought in any county where the defendant's principal place of business is located or where the violation occurred. Any offer of settlement to resolve a civil penalty under this section shall be in writing, shall state that an action for imposition of a civil penalty may be initiated by the attorney general or a prosecuting attorney representing the department under authority of this section, and shall identify any dollar amount as an offer of settlement which shall be negotiated in good faith through conference, conciliation and persuasion.

2. Any rule, regulation, standard or order of a county commission, adopted pursuant to the provisions of sections 260.200 to 260.245, may be enforced in a civil action for mandatory or prohibitory injunctive relief or for the assessment of a penalty not to exceed **[**one**]** **five** hundred dollars per day for each day, or part thereof, that a violation of such rule, regulation, standard or order of a county commission occurred and continues to occur, or both, as the commission deems proper. The county commission may request the prosecuting attorney or other attorney to bring any action authorized in this section in the name of the people of the state of Missouri.

3. The liabilities imposed by this section shall not be imposed due to any violation caused by an act of God, war, strike, riot or other catastrophe.

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

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

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

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

5. The provisions of this section shall apply to private entities that service fifty or more residential accounts or **[**fifteen or more**]** **any** commercial accounts in the area in question.

260.249. 1. In addition to any other remedy provided by law, upon a determination by the director that a provision of sections 260.200 to 260.281, or a standard, limitation, order, rule or regulation promulgated pursuant thereto, or a term or condition of any permit has been violated, the director may issue an order assessing an administrative penalty upon the violator under this section. An administrative penalty shall not be imposed until the director has sought to resolve the violations through conference, conciliation and persuasion and shall not be imposed for minor violations of sections 260.200 to 260.281 or minor violation of any standard, limitation, order, rule or regulation promulgated pursuant to sections 260.200 to 260.281 or minor violations of any term or condition of a permit issued pursuant to

sections 260.200 to 260.281 or any violations of sections 260.200 to 260.281 by any person resulting from mismanagement of solid waste generated and managed on the property of the place of residence of the person. If the violation is resolved through conference, conciliation and persuasion, no administrative penalty shall be assessed unless the violation has caused, or has the potential to cause, a risk to human health or to the environment, or has caused or has potential to cause pollution, or was knowingly committed, or is defined by the United States Environmental Protection Agency as other than minor. Any order assessing an administrative penalty shall state that an administrative penalty is being assessed under this section and that the person subject to the penalty may appeal as provided by section 260.235. Any such order that fails to state the statute under which the penalty is being sought, the manner of collection or rights of appeal shall result in the state's waiving any right to collection of the penalty.

2. The department shall promulgate rules and regulations for the assessment of administrative penalties. The amount of the administrative penalty assessed per day of violation for each violation under this section shall not exceed the amount of the civil penalty specified in section [260.230] **260.240**. Such rules shall reflect the criteria used for the administrative penalty matrix as provided for in the Resource Conservation and Recovery Act, 42 U.S.C. 6928(a), Section 3008(a), and the harm or potential harm which the violation causes, or may cause, the violator's previous compliance record, and any other factors which the department may reasonably deem relevant. An administrative penalty shall be paid within sixty days from the date of issuance of the order assessing the penalty. Any person subject to an administrative penalty may appeal as provided in section 260.235. Any appeal will stay the due date of such administrative penalty until the appeal is resolved. Any person who fails to pay an administrative penalty by the final due date shall be liable to the state for a surcharge of fifteen percent of the penalty plus ten percent per annum on any amounts owed. Any administrative penalty paid pursuant to this section shall be handled in accordance with section 7 of article IX of the state constitution. An action may be brought in the appropriate circuit court to collect any unpaid administrative penalty, and for attorney's fees and costs incurred directly in the collection thereof.

3. An administrative penalty shall not be increased in those instances where department action, or failure to act, has caused a continuation of the violation that was a basis for the penalty. Any administrative penalty must be assessed within two years following the department's initial discovery of such alleged violation, or from the date the department in the exercise of ordinary diligence should have discovered such alleged violation.

4. The state may elect to assess an administrative penalty, or, in lieu thereof, to request that the attorney general or prosecutor file an appropriate legal action seeking a civil penalty in the appropriate circuit court.

5. Any final order imposing an administrative penalty is subject to judicial review upon the filing of a petition pursuant to section 536.100, RSMo, by any person subject to the administrative penalty."; and

Further amend said bill, Section 260.250, by inserting after all of said section the following:

"260.330. 1. Except as otherwise provided in subsection 6 of this section, effective October 1, 1990, each operator of a solid waste sanitary landfill shall collect a charge equal to one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted and each operator of the solid waste demolition landfill shall collect a charge equal to one dollar per ton or its volumetric equivalent of solid waste accepted. Each operator shall submit the charge, less collection costs, to the department of natural resources for deposit in the "Solid Waste Management Fund" which is hereby created. On October 1, 1992, and thereafter, the charge imposed herein shall be adjusted annually by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency. No annual adjustment shall be made to the charge imposed under this subsection during October 1, 2005, to October 1, [2009] **2014**, except an adjustment amount consistent with the need to fund the operating costs of the department and taking into account any annual percentage increase in the total of the volumetric equivalent of solid waste accepted in the prior year at solid waste sanitary landfills and demolition landfills and solid waste to be transported out of this state for disposal that is accepted at transfer stations. No annual increase during October 1, 2005, to October 1, [2009] **2014**, shall exceed the percentage increase measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency and calculated on the percentage of revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any such annual adjustment shall only be made at the discretion of the director, subject to appropriations. Collection costs shall be established by the department and shall not exceed two percent of the amount collected pursuant to this section.

2. The department shall, by rule and regulation, provide for the method and manner of collection.

3. The charges established in this section shall be enumerated separately from the disposal fee charged by the landfill and may be passed through to persons who generated the solid waste. Moneys shall be transmitted to the department shall be no less than the amount collected less collection costs and in a form, manner and frequency as the department shall prescribe. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the account shall not lapse to general revenue at the end of each biennium. Failure to collect the charge does not relieve the operator from responsibility for transmitting an amount equal to the charge to the department.

4. The department may examine or audit financial records and landfill activity records and measure landfill usage to verify the collection and transmittal of the charges established in this section. The department may promulgate by rule and regulation procedures to ensure and to verify that the charges imposed herein are properly collected and transmitted to the department.

5. Effective October 1, 1990, any person who operates a transfer station in Missouri shall transmit a fee to the department for deposit in the solid waste management fund which is equal to one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall be applicable to all solid waste to be transported out of the state for disposal. On October 1, 1992, and thereafter, the charge imposed herein shall be adjusted annually by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency. No annual adjustment shall be made to the charge imposed under this subsection during October 1, 2005, to October 1, **[**2009**] 2014**, except an adjustment amount consistent with the need to fund the operating costs of the department and taking into account any annual percentage increase in the total of the volumetric equivalent of solid waste accepted in the prior year at solid waste sanitary landfills and demolition landfills and solid waste to be transported out of this state for disposal that is accepted at transfer stations. No annual increase during October 1, 2005, to October 1, **[**2009**] 2014**, shall exceed the percentage increase measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency and calculated on the percentage of revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any such annual adjustment shall only be made at the discretion of the director, subject to appropriations. The department shall prescribe rules and regulations governing the transmittal of fees and verification of waste volumes transported out of state from transfer stations. Collection costs shall also be established by the department and shall not exceed two percent of the amount collected pursuant to this subsection. A transfer station with the sole function of separating materials for recycling or resource recovery activities shall not be subject to the fee imposed in this subsection.

6. Each political subdivision which owns an operational solid waste disposal area may designate, pursuant to this section, up to two free disposal days during each calendar year. On any such free disposal day, the political subdivision shall allow residents of the political subdivision to dispose of any solid waste which may be lawfully disposed of at such solid waste disposal area free of any charge, and such waste shall not be subject to any state fee pursuant to this section. Notice of any free disposal day shall be posted at the solid waste disposal area site and in at least one newspaper of general circulation in the political subdivision no later than fourteen days prior to the free disposal day.

260.335. 1. Each fiscal year eight hundred thousand dollars from the solid waste management fund shall be made available, upon appropriation, to the department and the environmental improvement and energy resources authority to fund activities that promote the development and maintenance of markets for recovered materials. Each fiscal year up to two hundred thousand dollars from the solid waste management fund be used by the department upon appropriation for grants to solid waste management districts for district grants and district operations. Only those solid waste management districts that are allocated fewer funds under subsection 2 of this section than if revenues had been allocated based on the criteria in effect in this section on August 27, 2004, are eligible for these grants. An eligible district shall receive a proportionate share of these grants based on that district's share of the total reduction in funds for eligible districts calculated by comparing the amount of funds allocated under subsection 2 of this section with the amount of funds that would have been allocated using the criteria in effect in this section on August 27, 2004. The department and the authority shall establish a joint interagency agreement with the department of economic development to identify state priorities for market development and to develop the criteria to be used to judge proposed projects. Additional moneys may be appropriated in subsequent fiscal years if requested. The authority shall establish a procedure to measure the effectiveness of the grant program under this subsection and shall provide a report to the governor and general assembly by January fifteenth of each year regarding the effectiveness of the program.

2. All remaining revenues deposited into the fund each fiscal year after moneys have been made available under subsection 1 of this section shall be allocated as follows:

(1) Thirty-nine percent of the revenues shall be dedicated, upon appropriation, to the elimination of illegal solid waste disposal, to identify and prosecute persons disposing of solid waste illegally, to conduct solid waste permitting activities, to administer grants and perform other duties imposed in sections 260.200 to 260.345 and section 260.432. In addition to the thirty-nine percent of the revenues, the department may receive any annual increase in the charge during October 1, 2005, to October 1, **[**2009**] 2014**, under section 260.330 and such increases shall be used solely to fund the operating costs of the department;

(2) Sixty-one percent of the revenues, except any annual increases in the charge under section 260.330 during October 1, 2005, to October 1, **[**2009**] 2014**, which shall be used solely to fund the operating costs of the department, shall be allocated through grants, upon appropriation, to participating cities, counties, and districts. Revenues to be allocated under this subdivision shall be divided as follows: forty percent shall be allocated based on the population of each district in the latest decennial census, and sixty percent shall be allocated based on the amount of revenue generated within each district. For the purposes of this subdivision, revenue generated within each district shall be determined from the previous year's data. No more than fifty percent of the revenue allocable under this subdivision may be allocated to the districts upon approval of the department for implementation of a solid waste management plan and district operations, and at least fifty percent of the revenue allocable to the districts under this subdivision shall be allocated to the cities and counties of the district or to persons or entities providing solid waste management, waste reduction, recycling and related services in these cities and counties. Each district shall receive a minimum of seventy-five thousand dollars under this subdivision. After August 28, 2005, each district shall receive a minimum of ninety-five thousand dollars under this subdivision for district grants and district operations. Each district receiving moneys under this subdivision shall expend such moneys pursuant to a solid waste management plan required under section 260.325, and only in the case that the district is in compliance with planning requirements established by the department. Moneys shall be awarded based upon grant applications. Any moneys remaining in any fiscal year due to insufficient or inadequate applications may be reallocated pursuant to this subdivision;

(3) Except for the amount up to one-fourth of the department's previous fiscal year expense, any remaining unencumbered funds generated under subdivision (1) of this subsection in prior fiscal years shall be reallocated under this section;

(4) Funds may be made available under this subsection for the administration and grants of the used motor oil program described in section 260.253;

(5) The department and the environmental improvement and energy resources authority shall conduct sample audits of grants provided under this subsection.

3. The advisory board created in section 260.345 shall recommend criteria to be used to allocate grant moneys to districts, cities and counties. These criteria shall establish a priority for proposals which provide methods of solid waste reduction and recycling. The department shall promulgate criteria for evaluating grants by rule and regulation. Projects of cities and counties located within a district which are funded by grants under this section shall conform to the district solid waste management plan.

4. The funds awarded to the districts, counties and cities pursuant to this section shall be used for the purposes set forth in sections 260.300 to 260.345, and shall be used in addition to existing funds appropriated by counties and cities for solid waste management and shall not supplant county or city appropriated funds.

5. The department, in conjunction with the solid waste advisory board, shall review the performance of all grant recipients to ensure that grant moneys were appropriately and effectively expended to further the purposes of the grant, as expressed in the recipient's grant application. The grant application shall contain specific goals and implementation dates, and grant recipients shall be contractually obligated to fulfill same. The department may require the recipient to submit periodic reports and such other data as are necessary, both during the grant period and up to five years thereafter, to ensure compliance with this section. The department may audit the records of any recipient to ensure compliance with this section. Recipients of grants under sections 260.300 to 260.345 shall maintain such records as required by the department. If a grant recipient fails to maintain records or submit reports as required herein, refuses the department access to the records, or fails to meet the department's performance standards, the department may withhold subsequent grant payments, if any, and may compel the repayment of funds provided to the recipient pursuant to a grant.

6. The department shall provide for a security interest in any machinery or equipment purchased through grant moneys distributed pursuant to this section.

7. If the moneys are not transmitted to the department within the time frame established by the rule promulgated, interest shall be imposed on the moneys due the department at the rate of ten percent per annum from the prescribed due date until payment is actually made. These interest amounts shall be deposited to the credit of the solid waste management fund.

260.360. When used in sections 260.350 to 260.430 and in standards, rules and regulations adopted pursuant to sections 260.350 to 260.430, the following words and phrases mean:

(1) "Cleanup", all actions necessary to contain, collect, control, treat, disburse, remove or dispose of a hazardous waste;

(2) "Commission", the hazardous waste management commission of the state of Missouri created by sections 260.350 to 260.430;

(3) "Conference, conciliation and persuasion", a process of verbal or written communications consisting of meetings, reports, correspondence or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at a minimum, consist of one offer to meet with the alleged violator tendered by the department. During any such meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

(4) "Department", the Missouri department of natural resources;

(5) "Detonation", an explosion in which chemical transformation passes through the material faster than the speed of sound, which is 0.33 kilometers per second at sea level;

(6) "Director", the director of the Missouri department of natural resources;

(7) "Disposal", the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water so that such waste, or any constituent thereof, may enter the environment or be emitted into the air or be discharged into the waters, including groundwaters;

(8) "Final disposition", the location, time and method by which hazardous waste loses its identity or enters the environment, including, but not limited to, disposal, resource recovery and treatment;

(9) "Generation", the act or process of producing waste;

(10) "Generator", any person who produces waste;

(11) "Hazardous waste", any waste or combination of wastes, as determined by the commission by rules and regulations, which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a present or potential threat to the health of humans or the environment;

(12) "Hazardous waste facility", any property that is intended or used for hazardous waste management including, but not limited to, storage, treatment and disposal sites;

(13) "Hazardous waste management", the systematic recognition and control of hazardous waste from generation to final disposition including, but not limited to, its identification, containerization, labeling, storage, collection, transfer or transportation, treatment, resource recovery or disposal;

(14) "Infectious waste", waste in quantities and characteristics as determined by the department by rule and regulation, including the following wastes known or suspected to be infectious: isolation wastes, cultures and stocks of etiologic agents, contaminated blood and blood products, other contaminated surgical wastes, wastes from autopsy, contaminated laboratory wastes, sharps, dialysis unit wastes, discarded biologicals and antineoplastic chemotherapeutic materials; provided, however, that infectious waste does not mean waste treated to department specifications;

(15) "Manifest", a department form accompanying hazardous waste from point of generation, through transport, to final disposition;

(16) "Minor violation", a violation which possesses a small potential to harm the environment or human health or cause pollution, was not knowingly committed, and is not defined by the United States Environmental Protection Agency as other than minor;

(17) "Person", an individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, department or bureau of the state or federal government or any other legal entity whatever which is recognized by law as the subject of rights and duties;

(18) **"Plasma arc technology", a process that converts electrical energy into thermal energy. The plasma arc is created when a voltage is established between two points;**

**(19)** "Resource recovery", the reclamation of energy or materials from waste, its reuse or its transformation into new products which are not wastes;

**[**(19)**] (20)** "Storage", the containment or holding of waste at a designated location in such manner or for such a period of time, as determined in regulations adopted hereunder, so as not to constitute disposal of such waste;

**[**(20)**] (21)** "Treatment", the processing of waste to remove or reduce its harmful properties or to contribute to more efficient or less costly management or to enhance its potential for resource recovery including, but not limited

to, existing or future procedures for biodegradation, concentration, reduction in volume, detoxification, fixation, incineration**, plasma arc technology,** or neutralization;

**[**(21)**] (22)** "Waste", any material for which no use or sale is intended and which will be discarded or any material which has been or is being discarded. "Waste" shall also include certain residual materials, to be specified by the rules and regulations, which may be sold for purposes of energy or materials reclamation, reuse or transformation into new products which are not wastes;

**[**(22)**] (23)** "Waste explosives", any waste which has the potential to detonate, or any bulk military propellant which cannot be safely disposed of through other modes of treatment.

260.470. **1.** When the director places a site on the registry as provided in section 260.440, and after the resolution of any appeal under section 260.455, he shall file with the county recorder of deeds the period during which the site was used as a hazardous waste disposal area. When the director finds that a site on the registry has been properly closed under subdivision (5) of subsection 3 of section 260.445 with no evidence of potential adverse impact, he shall file this finding with the county recorder of deeds. The county recorder of deeds shall file this information so that any purchaser will be given notice that the site has been placed on, or removed from, the registry.

**2. Any owner of a registry site may petition the department to remove the site from the registry provided that:**

**(1) Corrective actions have addressed the contamination at the site in accordance with a department-approved risk-based corrective action plan;**

**(2) The department has issued a letter indicating that no further actions are required to address current risk from contaminants for the site; and**

**(3) An environmental covenant for the property that meets the requirements of sections 260.1000 to 260.1039 has been filed with the county recorder of deeds.**

**3. The department shall approve such a request unless the department determines that removal from the registry would result in significant current or future risk of harm to human health, public welfare, or the environment. In making such a determination, the department shall provide a written justification that considers the amount, toxicity, and persistence of any contaminants left in place and the stability of current site conditions. Any denial under this subsection may be appealed to the commission in the manner provided in section 260.460.**

260.800. As used in sections 260.800 to 260.815, the following terms shall mean:

(1) "Governing body", any city, municipality, county or combination thereof, or an authority or agency created by intergovernmental compact;

(2) "Solid waste", garbage, refuse and other discarded materials including, but not limited to, solid and semisolid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting;

(3) "Waste to energy facility", any facility**, including plasma arc technology,** with the electric generating capacity of up to eighty megawatts which is fueled by solid waste.

**260.1000. Sections 260.1000 to 260.1039 shall be cited as the "Missouri Environmental Covenants Act".**

**260.1003. As used in sections 260.1000 to 260.1039, the following terms shall mean:**

**(1) "Activity and use limitations", restrictions or obligations with respect to real property created under sections 260.1000 to 260.1039;**

**(2) "Department", the Missouri department of natural resources or any other state or federal department that determines or approves the environmental response project under which the environmental covenant is created;**

**(3) "Common interest community", a condominium, cooperative, or other real property with respect to which a person, by virtue of the person's ownership of a parcel of real property, is obligated to pay property taxes, insurance premiums, maintenance, or improvement of other real property described in a recorded covenant that creates the common interest community;**

**(4) "Environmental covenant", a servitude arising under an environmental response project that imposes activity and use limitations;**

**(5) "Environmental response project", a plan or work performed for environmental remediation of real property and conducted:**

**(a) Under a federal or state program governing environmental remediation of real property, including but not limited to the Missouri hazardous waste management law as specified in this chapter;**

**(b) Incident to closure of a solid or hazardous waste management unit, if the closure is conducted with approval of the department; or**

**(c) Under a state voluntary cleanup program authorized in the Missouri hazardous waste management law as specified in this chapter;**

**(6) "Holder", the grantee of an environmental covenant as specified in section 260.1006;**

**(7) "Person", an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, governmental subdivision, department, or instrumentality, or any other legal or commercial entity;**

**(8) "Record", information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;**

**(9) "State", a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.**

**260.1006. 1. Any person, including a person that owns an interest in the real property, the department, or a municipality or other unit of local government, may be a holder. An environmental covenant may identify more than one holder. The interest of a holder is an interest in real property.**

**2. The rights of a department under sections 260.1000 to 260.1039 or under an environmental covenant, other than a right as a holder, is not an interest in real property.**

**3. A department is bound by any obligation it assumes in an environmental covenant, but a department does not assume obligations merely by signing an environmental covenant. Any other person that signs an environmental covenant is bound by the obligations the person assumes in the covenant, but signing the covenant does not change obligations, rights, or protections granted or imposed under law other than sections 260.1000 to 260.1039 except as provided in the covenant.**

**4. The following rules apply to interests in real property in existence at the time an environmental covenant is created or amended:**

**(1) An interest that has priority under other law is not affected by an environmental covenant unless the person that owns the interest subordinates that interest to the covenant;**

**(2) Sections 260.1000 to 260.1039 do not require a person that owns a prior interest to subordinate that interest to an environmental covenant or to agree to be bound by the covenant;**

**(3) A subordination agreement may be contained in an environmental covenant covering real property or in a separate record. If the environmental covenant covers commonly owned property in a common interest community, the record may be signed by any person authorized by the governing board of the owners association;**

**(4) An agreement by a person to subordinate a prior interest to an environmental covenant affects the priority of that person's interest but shall not by itself impose any affirmative obligation on the person with respect to the environmental covenant.**

**260.1009. 1. An environmental covenant shall:**

**(1) State that the instrument is an environmental covenant executed under sections 260.1000 to 260.1039;**

**(2) Contain a legally sufficient description of the real property subject to the covenant;**

**(3) Describe the activity and use limitations on the real property;**

**(4) Identify every holder;**

**(5) Be signed by the department, every holder, and unless waived by the department, every owner of the fee simple of the real property subject to the covenant; and**

**(6) Identify the name and location of any administrative record for the environmental response project reflected in the environmental covenant.**

**2. In addition to the information required by subsection 1 of this section, an environmental covenant may contain other information, restrictions, and requirements agreed to by the persons who signed it, including any:**

**(1) Requirements for notice following transfer of a specified interest in, or concerning proposed changes in use of, applications for building permits for, or proposals for any site work affecting the contamination on, the property subject to the covenant;**

**(2) Requirements for periodic reporting describing compliance with the covenant;**

**(3) Rights of access to the property granted in connection with implementation or enforcement of the covenant;**

**(4) A brief narrative description of the contamination and remedy, including the contaminants of concern, the pathways of exposure, limits on exposure, and the location and extent of the contamination;**

**(5) Limitation on amendment or termination of the covenant in addition to those contained in sections 260.1024 and 260.1027; and**

**(6) Rights of the holder in addition to its right to enforce the covenant under section 260.1030.**

**3. In addition to other conditions for its approval of an environmental covenant, the department may require those persons specified by the department who have interests in the real property to sign the covenant.**

**260.1012. 1. An environmental covenant that complies with sections 260.1000 to 260.1039 runs with the land.**

**2. An environmental covenant that is otherwise effective is valid and enforceable even if:**

**(1) It is not appurtenant to an interest in real property;**

**(2) It can be or has been assigned to a person other than the original holder;**

**(3) It is not of a character that has been recognized traditionally at common law;**

**(4) It imposes a negative burden;**

**(5) It imposes an affirmative obligation on a person having an interest in the real property or on the holder;**

**(6) The benefit or burden does not touch or concern real property;**

**(7) There is no privity of estate or contract;**

**(8) The holder dies, ceases to exist, resigns, or is replaced; or**

**(9) The owner of an interest subject to the environmental covenant and the holder are the same person.**

**3. An instrument that creates restrictions or obligations with respect to real property that would qualify as activity and use limitations except for the fact that the instrument was recorded before the effective date of sections 260.1000 to 260.1039 is not invalid or unenforceable because of any of the limitations on enforcement of interests described in subsection 2 of this section or because it was identified as an easement, servitude, deed restriction, or other interest. Sections 260.1000 to 260.1039 shall not apply in any other respect to such an instrument.**

**4. Sections 260.1000 to 260.1039 shall not invalidate or render unenforceable any interest, whether designated as an environmental covenant or other interest, that is otherwise enforceable under the laws of this state.**

**260.1015. Sections 260.1000 to 260.1039 shall not authorize a use of real property that is otherwise prohibited by zoning, by law other than sections 260.1000 to 260.1039 regulating use of real property, or by a recorded instrument that has priority over the environmental covenant. An environmental covenant may prohibit or restrict uses of real property which are authorized by zoning or by laws other than sections 260.1000 to 260.1039.**

**260.1018. 1. A copy of an environmental covenant shall be provided by the persons and in the manner required by the department to:**

**(1) Each person that signed the covenant;**

**(2) Each person holding a recorded interest in the real property subject to the covenant;**

**(3) Each person in possession of the real property subject to the covenant;**

**(4) Each municipality or other unit of local government in which real property subject to the covenant is located; and**

**(5) Any other person the department requires.**

**2. The validity of a covenant is not affected by failure to provide a copy of the covenant as required under this section.**

**260.1021. 1. An environmental covenant and any amendment or termination of the covenant shall be recorded in every county or city not within a county in which any portion of the real property subject to the covenant is located. For purposes of indexing, a holder shall be treated as a grantee.**

**2. Except as otherwise provided in section 260.1024, an environmental covenant is subject to the laws of this state governing recording and priority of interests in real property.**

**260.1024. 1. An environmental covenant is perpetual unless it is:**

**(1) By its terms, limited to a specific duration or terminated by the occurrence of a specific event;**

**(2) Terminated by consent under section 260.1027;**

**(3) Terminated by subsection 2 of this section;**

**(4) Terminated by foreclosure of an interest that has priority over the environmental covenant; or**

**(5) Terminated or modified in an eminent domain proceeding, but only if:**

**(a) The department that signed the covenant is a party to the proceeding;**

**(b) All persons identified in section 260.1027 are given notice of the pendency of the proceeding; and**

**(c) The court determines, after hearing, that the termination or modification will not adversely affect human health, public welfare, or the environment.**

**2. If the department that signed an environmental covenant has determined that the intended benefits of the covenant can no longer be realized, a court, under the doctrine of changed circumstances, in an action in which all persons identified in section 260.1027 have been given notice, may terminate the covenant or reduce its burden on the real property subject to the covenant. The department's determination or its failure to make a determination upon request is subject to review under chapter 536, RSMo.**

**3. Except as otherwise provided in subsections 1 and 2 of this section, an environmental covenant may not be extinguished, limited, or impaired through issuance of a tax deed, foreclosure of a tax lien, or application of the doctrine of adverse possession, prescription, abandonment, waiver, lack of enforcement, or acquiescence, or any similar doctrine.**

**4. An environmental covenant may not be extinguished, limited, or impaired by the application of chapter 442, RSMo, or chapter 444, RSMo.**

**260.1027. 1. An environmental covenant may be amended or terminated by consent only if the amendment or termination is signed by:**

**(1) The department;**

**(2) Unless this requirement is waived by the department, the current owner of the fee simple of the real property subject to the covenant;**

**(3) Each person that originally signed the covenant, unless the person waived in a signed record the right to consent or a court finds that the person no longer exists or cannot be located or identified with the exercise of reasonable diligence; and**

**(4) The holder, except as otherwise provided in subsection 4 of this section.**

**2. If an interest in real property is subject to an environmental covenant, the interest is not affected by an amendment of the covenant unless the current owner of the interest consents to the amendment or has waived in a signed record the right to consent to amendments.**

**3. Except for an assignment undertaken under a governmental reorganization, assignment of an environmental covenant to a new holder is an amendment.**

**4. Except as otherwise provided in an environmental covenant:**

**(1) A holder may not assign its interest without consent of the other parties;**

**(2) A holder may be removed and replaced by agreement of the other parties specified in subsection 1 of this section.**

**5. A court of competent jurisdiction may fill a vacancy in the position of holder.**

**260.1030. 1. A civil action for injunctive or other equitable relief for violation of an environmental covenant may be maintained by:**

**(1) A party to the covenant;**

**(2) The department;**

**(3) Any person to whom the covenant expressly grants power to enforce;**

**(4) A person whose interest in the real property or whose collateral or liability may be affected by the alleged violation of the covenant; or**

**(5) A municipality or other unit of local government in which the real property subject to the covenant is located.**

**2. Sections 260.1000 to 260.1039 do not limit the regulatory authority of the department under law other than sections 260.1000 to 260.1039 with respect to an environmental response project.**

**3. A person is not responsible for or subject to liability for environmental remediation solely because it has the right to enforce an environmental covenant.**

**260.1033. 1. The department shall establish an activity and use limitation information system and ensure that it is maintained, that provides readily accessible information on sites with known contamination, and records the creation, amendment, and termination of covenants. The activity and use limitation information system shall distinguish clearly between three categories of sites contaminated with hazardous substance contamination:**

**(1) Sites where no investigation or remedial action has been performed, or where remedial actions are in progress but are not complete;**

**(2) Sites where remedial action has been taken to address known risks to human health, public welfare, and the environment and the site is suitable for certain land uses and the department has issued a letter indicating that the site is suitable for certain land uses and that further investigation and remedial action is not required;**

**(3) Sites where previous concerns about contamination should no longer be an issue because of removal of waste and contamination or investigation results that demonstrate that contamination is now below levels considered suitable for unrestricted use.**

**2. After an environmental covenant or an amendment or termination of a covenant is filed in the information system established under subsection 1 of this section, a notice of the covenant, amendment, or termination that complies with this section may be recorded in the land records in lieu of recording the entire covenant. Any such notice shall contain:**

**(1) A legally sufficient description and any available street address of the real property subject to the covenant;**

**(2) The name and address of the owner of the fee simple interest in the real property, the department, and the holder if other than the department;**

**(3) A statement that the covenant, amendment, or termination is available in an information system at the department, which discloses the method of any electronic access; and**

**(4) A statement that the notice is notification of an environmental covenant executed under sections 260.1000 to 260.1039.**

**3. A statement in substantially the following form, executed with the same formalities as a deed in this state, satisfies the requirements of subsection 2 of this section:**

**"1. This notice is filed in the land records of the ......... (political subdivision) of .......... (insert name of jurisdiction in which the real property is located) under Sections 260.1000 to 260.1039, RSMo.**

**2. This notice and the covenant, amendment or termination to which it refers may impose significant obligations with respect to the property described below.**

**3. A legal description of the property is attached as Exhibit A to this notice. The address of the property that is subject to the environmental covenant is ........ (insert address of property) (not available).**

**4. The name and address of the owner of the fee simple interest in the real property on the date of this notice is ............. (insert name of current owner of the property and the owner's current address as shown on the tax records of the jurisdiction in which the property is located).**

**5. The environmental covenant, amendment or termination was signed by .......... (insert name and address of the department).**

**6. The environmental covenant, amendment, or termination was filed in the information system on .......... (insert date of filing).**

**7. The full text of the covenant, amendment or termination and any other information required by the department is on file and available for inspection and copying in the information system maintained for that purpose by the department at ........... (insert address and room of building in which the information system is maintained). The covenant, amendment or termination may be found electronically at .......... (insert Internet address for covenant)."**

**260.1036. Sections 260.1000 to 260.1039 shall not apply to aboveground or underground storage tanks as defined in section 319.100, RSMo.**

**260.1039. As authorized in 15 U.S.C. 7002, as amended, sections 260.1000 to 260.1039 modifies, limits, or supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001, et seq., but do not modify, limit, or supersede 15 U.S.C. Section 7001(a), or authorize electronic delivery of any of the notices described in 15 U.S.C. Section 7003(b).**"; and

Further amend said bill, Page 11, Section 414.420, Line 38, by inserting after all of said line the following:

"444.772. 1. Any operator desiring to engage in surface mining shall make written application to the director for a permit.

2. Application for permit shall be made on a form prescribed by the commission and shall include:

(1) The name of all persons with any interest in the land to be mined;

(2) The source of the applicant's legal right to mine the land affected by the permit;

(3) The permanent and temporary post office address of the applicant;

(4) Whether the applicant or any person associated with the applicant holds or has held any other permits pursuant to sections 444.500 to 444.790, and an identification of such permits;

(5) The written consent of the applicant and any other persons necessary to grant access to the commission or the director to the area of land affected under application from the date of application until the expiration of any permit granted under the application and thereafter for such time as is necessary to assure compliance with all provisions of sections 444.500 to 444.790 or any rule or regulation promulgated pursuant to them. Permit applications submitted by operators who mine an annual tonnage of less than ten thousand tons shall be required to include written consent from the operator to grant access to the commission or the director to the area of land affected;

(6) A description of the tract or tracts of land and the estimated number of acres thereof to be affected by the surface mining of the applicant for the next succeeding twelve months; and

(7) Such other information that the commission may require as such information applies to land reclamation.

3. The application for a permit shall be accompanied by a map in a scale and form specified by the commission by regulation.

4. The application shall be accompanied by a bond, security or certificate meeting the requirements of section 444.778**, a geologic resources fee authorized under section 256.700, RSMo,** and a permit fee approved by the commission not to exceed [six hundred] **one thousand** dollars. The commission may also require a fee for each site listed on a permit not to exceed [three] **four** hundred dollars for each site. If mining operations are not conducted at a site for six months or more during any year, the fee for such site for that year shall be reduced by fifty percent. The commission may also require a fee for each acre bonded by the operator pursuant to section 444.778 not to exceed [ten] **twenty** dollars per acre. If such fee is assessed, the per-acre fee on all acres bonded by a single operator that exceed a total of [one] **two** hundred acres shall be reduced by fifty percent. In no case shall the total fee for any permit be more than [two] **three** thousand [five hundred] dollars. Permit and renewal fees shall be established by rule**, except for the initial fees as set forth in this subsection,** and shall be set at levels that recover the cost of administering and enforcing sections 444.760 to 444.790, making allowances for grants and other sources of funds. The director shall submit a report to the commission and the public each year that describes the number of employees and the activities performed the previous calendar year to administer sections 444.760 to 444.790. For any operator of a gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the total cost of submitting an application shall be three hundred dollars. The issued permit shall be valid from the date of its issuance until the date specified in the mine plan unless sooner revoked or suspended as provided in sections 444.760 to 444.790. **Beginning August 28, 2007, the fees shall be set at a permit fee of eight hundred dollars, a site fee of four hundred dollars, and an acre fee of ten dollars, with a maximum fee of three thousand dollars. Fees may be raised as allowed in this subsection after a regulation change that demonstrates the need for increased fees**.

5. An operator desiring to have his or her permit amended to cover additional land may file an amended application with the commission. Upon receipt of the amended application, and such additional fee and bond as may be required pursuant to the provisions of sections 444.760 to 444.790, the director shall, if the applicant complies with all applicable regulatory requirements, issue an amendment to the original permit covering the additional land described in the amended application.

6. An operation may withdraw any land covered by a permit, excepting affected land, by notifying the commission thereof, in which case the penalty of the bond or security filed by the operator pursuant to the provisions of sections 444.760 to 444.790 shall be reduced proportionately.

7. Where mining or reclamation operations on acreage for which a permit has been issued have not been completed, the permit shall be renewed. The operator shall submit a permit renewal form furnished by the director for an additional permit year and pay a fee equal to an application fee calculated pursuant to subsection 4 of this section, but in no case shall the renewal fee for any operator be more than **[**two**]** **three** thousand **[**five hundred**]** dollars. For any operator involved in any gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the permit as to such acreage shall be renewed by applying on a permit renewal form furnished by the director for an additional permit year and payment of a fee of three hundred dollars. Upon receipt of the completed permit renewal form and fee from the operator, the director shall approve the renewal. With approval of the director and operator, the permit renewal may be extended for a portion of an additional year with a corresponding prorating of the renewal fee.

8. Where one operator succeeds another at any uncompleted operation, either by sale, assignment, lease or otherwise, the commission may release the first operator from all liability pursuant to sections 444.760 to 444.790 as to that particular operation if both operators have been issued a permit and have otherwise complied with the requirements of sections 444.760 to 444.790 and the successor operator assumes as part of his or her obligation pursuant to sections 444.760 to 444.790 all liability for the reclamation of the area of land affected by the former operator.

9. The application for a permit shall be accompanied by a plan of reclamation that meets the requirements of sections 444.760 to 444.790 and the rules and regulations promulgated pursuant thereto, and shall contain a verified statement by the operator setting forth the proposed method of operation, reclamation, and a conservation plan for the affected area including approximate dates and time of completion, and stating that the operation will meet the requirements of sections 444.760 to 444.790, and any rule or regulation promulgated pursuant to them.

10. At the time that a permit application is deemed complete by the director, the operator shall publish a notice of intent to operate a surface mine in any newspaper qualified pursuant to section 493.050, RSMo, to publish legal notices in any county where the land is located. If the director does not respond to a permit application within forty-five calendar days, the application shall be deemed to be complete. Notice in the newspaper shall be posted once a week for four consecutive weeks beginning no more than ten days after the application is deemed complete. The operator shall also send notice of intent to operate a surface mine by certified mail to the governing body of the counties or cities in which the proposed area is located, and to the last known addresses of all record landowners of contiguous real property or real property located adjacent to the proposed mine plan area. The notices shall include the name and address of the operator, a legal description consisting of county, section, township and range, the number of acres involved, a statement that the operator plans to mine a specified mineral during a specified time, and the address of the commission. The notices shall also contain a statement that any person with a direct, personal interest in one or more of the factors the commission may consider in issuing a permit may request a public meeting, a public hearing or file written comments to the director no later than fifteen days following the final public notice publication date.

11. The commission may approve a permit application or permit amendment whose operation or reclamation plan deviates from the requirements of sections 444.760 to 444.790 if it can be demonstrated by the operator that the conditions present at the surface mining location warrant an exception. The criteria accepted for consideration when evaluating the merits of an exception or variance to the requirements of sections 444.760 to 444.790 shall be established by regulations.

12. Fees imposed pursuant to this section shall become effective August 28, **[**2001**]** **2007**, and shall expire on December 31, **[**2007**]** **2013**. No other provisions of this section shall expire."; and

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

Representative Dempsey assumed the Chair.

Speaker Jetton resumed the Chair.

Representative Dempsey resumed the Chair.

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

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

AMEND House Amendment No. 1 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 54, Page 7, Line 25, by deleting the words "or should have known".

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

Which motion was defeated.

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

**House Amendment No. 2 to House Amendment No. 1** was withdrawn.

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

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

Representative Darrough raised a point of order that **House Amendment No. 2** is not germane to the bill.

Representative Dempsey requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

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

**House Amendment No. 3** was withdrawn.

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

Representative Darrough raised a point of order that **House Amendment No. 4** is not germane to the bill.

Representative Dempsey requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

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

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 54, Page 6, Section 260.250, Line 14, by inserting after all of said line the following:

"**386.890. 1. This section shall be known and may be cited as the "Net Metering and Easy Connection Act".**

**2. As used in this section, the following terms shall mean:**

**(1) "Avoided fuel cost", the current average cost of fuel for the entity generating electricity, as defined by the governing body with jurisdiction over any municipal electric utility, rural electric cooperative as provided in chapter 394, RSMo, or electrical corporation as provided in chapter 386, RSMo;**

**(2) "Commission", the public service commission of the state of Missouri;**

**(3) "Customer-generator", the owner or operator of a qualified electric energy generation unit which:**

**(a) Is powered by a renewable energy resource;**

**(b) Has an electrical generating system with a capacity of not more than one hundred kilowatts;**

**(c) Is located on a premises owned, operated, leased, or otherwise controlled by the customer-generator;**

**(d) Is interconnected and operates in parallel phase and synchronization with a retail electric supplier and has been approved by said retail electric supplier;**

**(e) Is intended primarily to offset part or all of the customer-generator's own electrical energy requirements;**

**(f) Meets all applicable safety, performance, interconnection, and reliability standards established by the National Electrical Code, the National Electrical Safety Code, the Institute of Electrical and Electronics Engineers, Underwriters Laboratories, the Federal Energy Regulatory Commission, and any local governing authorities; and**

**(g) Contains a mechanism that automatically disables the unit and interrupts the flow of electricity back onto the supplier's electricity lines in the event that service to the customer-generator is interrupted;**

**(4) "Department", the department of natural resources;**

**(5) "Net metering", using metering equipment sufficient to measure the difference between the electrical energy supplied to a customer-generator by a retail electric supplier and the electrical energy supplied by the customer-generator to the retail electric supplier over the applicable billing period;**

**(6) "Renewable energy resources", electrical energy produced from wind, solar thermal sources, hydroelectric sources, photovoltaic cells and panels, fuel cells using hydrogen produced by one of the above-named electrical energy sources, and other sources of energy that become available after August 28, 2007, and are certified as renewable by the department;**

**(7) "Retail electric supplier" or "supplier", any municipal utility, electrical corporation regulated under this chapter, or rural electric cooperative under chapter 394, RSMo, that provides retail electric service in this state.**

**3. A retail electric supplier shall:**

**(1) Make net metering available to customer-generators on a first-come, first-served basis until the total rated generating capacity of net metering systems equals five percent of the utility's single-hour peak load during the previous year, after which the commission for a public utility or the governing body for other electric utilities may increase the total rated generating capacity of net metering systems to an amount above five percent. However, in a given calendar year, no retail electric supplier shall be required to approve any application for interconnection if the total rated generating capacity of all applications for interconnection already approved to date by said supplier in said calendar year equals or exceeds one percent of said supplier's single-hour peak load for the previous calendar year;**

**(2) Offer to the customer-generator a tariff or contract that is identical in electrical energy rates, rate structure, and monthly charges to the contract or tariff that the customer would be assigned if the customer were not an eligible customer-generator but shall not charge the customer-generator any additional standby, capacity, interconnection, or other fee or charge that would not otherwise be charged if the customer were not an eligible customer-generator; and**

**(3) Disclose annually the availability of the net metering program to each of its customers with the method and manner of disclosure being at the discretion of the supplier.**

**4. A customer-generator's facility shall be equipped with sufficient metering equipment that can measure the net amount of electrical energy produced or consumed by the customer-generator. If the customer-generator's existing meter equipment does not meet these requirements or if it is necessary for the electric supplier to install additional distribution equipment to accommodate the customer-generator's facility, the customer-generator shall reimburse the retail electric supplier for the costs to purchase and install the necessary additional equipment. At the request of the customer-generator, such costs may be initially paid for by the retail electric supplier, and any amount up to the total costs and a reasonable interest charge may be recovered from the customer-generator over the course of up to twelve billing cycles. Any subsequent meter testing, maintenance or meter equipment change necessitated by the customer-generator shall be paid for by the customer-generator.**

**5. Consistent with the provisions in this section, the net electrical energy measurement shall be calculated in the following manner:**

**(1) For a customer-generator, a retail electric supplier shall measure the net electrical energy produced or consumed during the billing period in accordance with normal metering practices for customers in the same**

**rate class, either by employing a single, bidirectional meter that measures the amount of electrical energy produced and consumed, or by employing multiple meters that separately measure the customer-generator's consumption and production of electricity;**

**(2) If the electricity supplied by the supplier exceeds the electricity generated by the customer-generator during a billing period, the customer-generator shall be billed for the net electricity supplied by the supplier in accordance with normal practices for customers in the same rate class;**

**(3) If the electricity generated by the customer-generator exceeds the electricity supplied by the supplier during a billing period, the customer-generator shall be billed for the appropriate customer charges for that billing period in accordance with subsection 3 of this section and shall be credited an amount at least equal to the avoided fuel cost of the excess kilowatt-hours generated during the billing period, with this credit applied to the following billing period;**

**(4) Any credits granted by this subsection shall expire without any compensation at the earlier of either twelve months after their issuance or when the customer-generator disconnects service or terminates the net metering relationship with the supplier;**

**(5) For any rural electric cooperative under chapter 394, RSMo, or municipal utility, upon agreement of the wholesale generator supplying electric energy to the retail electric supplier, at the option of the retail electric supplier, the credit to the customer-generator may be provided by the wholesale generator.**

**6. (1) Each qualified electric energy generation unit used by a customer-generator shall meet all applicable safety, performance, interconnection, and reliability standards established by any local code authorities, the National Electrical Code, the National Electrical Safety Code, the Institute of Electrical and Electronics Engineers, and Underwriters Laboratories for distributed generation. No supplier shall impose any fee, charge, or other requirement not specifically authorized by this section or the rules promulgated under subsection 9 of this section unless the fee, charge, or other requirement would apply to similarly situated customers who are not customer-generators, except that a retail electric supplier may require that a customer-generator's system contain a switch, circuit breaker, fuse, or other easily accessible device or feature located in immediate proximity to the customer-generator's metering equipment that would allow a utility worker the ability to manually and instantly disconnect the unit from the utility's electric distribution system;**

**(2) For systems of ten kilowatts or less, a customer-generator whose system meets the standards and rules under subdivision (1) of this subsection shall not be required to install additional controls, perform or pay for additional tests or distribution equipment, or purchase additional liability insurance beyond what is required under subdivision (1) of this subsection and subsection 4 of this section;**

**(3) For customer-generator systems of greater than ten kilowatts, the commission for public utilities and the governing body for other utilities shall, by rule or equivalent formal action by each respective governing body:**

**(a) Set forth safety, performance, and reliability standards and requirements; and**

**(b) Establish the qualifications for exemption from a requirement to install additional controls, perform or pay for additional tests or distribution equipment, or purchase additional liability insurance.**

**7. (1) Applications by a customer-generator for interconnection of a qualified electric energy generation unit meeting the requirements of subdivision (3) of subsection 2 of this section to the distribution system shall be accompanied by the plan for the customer-generator's electrical generating system, including but not limited to, a wiring diagram and specifications for the generating unit, and shall be reviewed and responded to by the retail electric supplier within thirty days of receipt for systems ten kilowatts or less and within ninety days of receipt for all other systems. Prior to the interconnection of the qualified generation unit to the supplier's system, the customer-generator will furnish the retail electric supplier a certification from a qualified professional electrician or engineer that the installation meets the requirements of subdivision (1) of subsection 6 of this section. If the application for interconnection is approved by the retail electric supplier and the customer-generator does not complete the interconnection within one year after receipt of notice of the approval, the approval shall expire and the customer-generator shall be responsible for filing a new application.**

**(2) Upon the change in ownership of a qualified electric energy generation unit, the new customer-generator shall be responsible for filing a new application under subdivision (1) of this subsection.**

**8. Each commission-regulated supplier shall submit an annual net metering report to the commission, and all other non-regulated suppliers shall submit the same report to their respective governing body and make said report available to a consumer of the supplier upon request, including the following information for the previous calendar year:**

**(1) The total number of customer-generator facilities;**

**(2) The total estimated generating capacity of its net-metered customer-generators; and**

**(3) The total estimated net kilowatt-hours received from customer-generators.**

**9. The commission shall, within nine months of the effective date of this section, promulgate initial rules necessary for the administration of this section for public utilities, which shall include regulations ensuring that simple contracts will be used for interconnection and net metering. For systems of ten kilowatts or less, the application process shall use an all-in-one document that includes a simple interconnection request, simple procedures, and a brief set of terms and conditions. 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 under 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.**

**10. The governing body of a rural electric cooperative or municipal utility shall, within nine months of the effective date of this section, adopt policies establishing a simple contract to be used for interconnection and net metering. For systems of ten kilowatts or less, the application process shall use an all-in-one document that includes a simple interconnection request, simple procedures, and a brief set of terms and conditions.**

**11. For any cause of action relating to any damages to property or person caused by the generation unit of a customer-generator or the interconnection thereof, the retail electric supplier shall have no liability absent clear and convincing evidence of fault on the part of the supplier.**

**12. The estimated generating capacity of all net metering systems operating under the provisions of this section shall count towards the respective retail electric supplier's accomplishment of any renewable energy portfolio target or mandate adopted by the Missouri general assembly.**

**13. The sale of qualified electric generation units to any customer-generator shall be subject to the provisions of sections 407.700 to 407.720, RSMo. The attorney general shall have the authority to promulgate in accordance with the provisions of chapter 536, RSMo, rules regarding mandatory disclosures of information by sellers of qualified electric generation units. Any interested person who believes that the seller of any electric generation unit is misrepresenting the safety or performance standards of any such systems, or who believes that any electric generation unit poses a danger to any property or person, may report the same to the attorney general, who shall be authorized to investigate such claims and take any necessary and appropriate actions.**

**14. Any costs incurred under this act by a retail electric supplier shall be recoverable in that utility's rate structure.**

**15. No consumer shall connect or operate an electric generation unit in parallel phase and synchronization with any retail electric supplier without written approval by said supplier that all of the requirements under subdivision (1) of subsection 7 of this section have been met. For a consumer who violates this provision, a supplier may immediately and without notice disconnect the electric facilities of said consumer and terminate said consumer's electric service.**

**16. The manufacturer of any electric generation unit used by a customer-generator may be held liable for any damages to property or person caused by a defect in the electric generation unit of a customer-generator.**

**17. The seller, installer, or manufacturer of any electric generation unit who knowingly misrepresents the safety aspects of an electric generation unit may be held liable for any damages to property or person caused by the electric generation unit of a customer-generator.**"; and

Further amend said bill, Page 14, Section 1, Line 3, by inserting after all of said line the following:

"[386.887. 1. This section shall be known and may be cited as the "Consumer Clean Energy Act".

2. As used in this section, the following terms mean:

(1) "Commission", the public service commission of the state of Missouri;

(2) "Customer-generator", a consumer of electric energy who purchases electric energy from a retail electric energy supplier and is the owner of a qualified net metering unit;

(3) "Local distribution system", facilities for the distribution of electric energy to the ultimate consumer thereof;

(4) "Net energy metering", a measurement of the difference between the electric energy supplied to a customer-generator by a retail electric supplier and the electric energy generated by a customer-generator that is delivered to a local distribution system at the same point of interconnection;

(5) "Qualified net metering unit", an electric generation unit which:

(a) Is owned by a customer-generator;

(b) Is a hydrogen fuel cell or is powered by sun, wind or biomass;

(c) Has an electrical generating system with a capacity of not more than one hundred kilowatts;

(d) Is located on the premises that are owned, operated, leased or otherwise controlled by the customer-generator;

(e) Is interconnected and operates in parallel and in synchronization with a retail electric supplier; and

(f) Is intended primarily to offset part or all of the customer-generator's own electrical requirements;

(6) "Retail electric supplier" or "supplier", any person that sells electric energy to the ultimate consumer thereof;

(7) "Value of electric energy", the total resulting from the application of the appropriate rates, which may be time of use rates at the option of the supplier, to the quantity of electric energy produced from qualified net metering units or to the quantity of electric energy sold to customer-generators.

3. By August 28, 2003, each retail electric supplier shall adopt rates, charges, conditions and contract terms for the purchase from and the sale of electric energy to customer-generators. The commission, in consultation with the department and retail electric suppliers, shall develop a simple contract for such transactions and make it available to eligible customer-generators and retail electric suppliers. Upon agreement of the wholesale generator supplying electric energy to the retail electric supplier, at the option of the retail electric supplier, the purchase from the customer-generator may be by the wholesale generator. Any time of use or other rates charged for electric energy sold to customer-generators shall be the same as those made available to any other customers with the same net electric energy usage pattern including minimum bills and service availability charges. Rates for electric energy generated by the customer- generator from a qualified net generating unit and sold to the retail electric supplier or its wholesale generator shall be the avoided cost (time of use or nontime of use) of the generation used by the retail electric supplier to serve its other customers. Whenever a customer- generator with a qualified net generating unit uses any energy generation method entitled to eligibility under a minimum renewable energy generation requirement, the total amount of energy generated by that method shall be treated as generated by the generator providing electric energy to the retail electric supplier for purposes of such requirement. The wholesale generator, at the option of the retail electric supplier, shall receive credit for emissions avoided by the wholesale generator because of electric energy purchased by the wholesale generator or the retail electric supplier from a qualified net metering unit. If the supplier is required to file tariffs with the commission, the commission shall review the reasonableness of the charges provided in such tariffs.

4. Each retail electric supplier shall calculate the net energy measurement for a customer-generator in the following manner:

(1) The retail electric supplier shall individually measure both the electric energy produced and the electric energy consumed by the customer-generator during each billing period using an electric metering capable of such function, either by a single meter capable of registering the flow of electricity in two directions or by using multiple meters;

(2) If the value of the electric energy supplied by the retail electric supplier exceeds the value of the electric energy delivered by the customer-generator to the retail electric supplier during a billing period, then the customer-generator shall be billed for the net value of the electric energy supplied by the retail electric supplier in accordance with the rates, terms and conditions established by the retail electric supplier for customer-generators; and

(3) If the value of the electric energy generated by the customer-generator exceeds the value of the electric energy supplied by the retail electric supplier, then the customer-generator:

(a) Shall be billed for the appropriate customer charges for that billing period; and

(b) Shall be credited for the excess value of the electric energy generated and supplied to the retail electric supplier during the billing period, with this credit appearing on the bill for the following billing period.

5. A retail electric supplier shall not be required to provide net metering service with respect to additional customer-generators after the date during any calendar year on which the total generating capacity of all customer-generators with qualified net metering units served by that retail electric supplier is equal to or in excess of the lesser of ten thousand kilowatts or one-tenth of one percent of the capacity necessary to meet the company's aggregate customer peak demand for the preceding calendar year.

6. Each retail electric supplier shall maintain and make available to the public records of the total generating capacity of customer-generators of the supplier that are using net metering, the type of generating systems and energy source used by the electric generating systems which customer-generators use. Each such retail electric supplier shall notify the commission when the total generating capacity of such customer-generators is equal to or in excess of the lesser of ten thousand kilowatts or one-tenth of one percent of the capacity necessary to meet the company's aggregate customer peak demand for the preceding calendar year.

7. Each qualified net metering unit used by a customer-generator shall meet all applicable safety, performance, synchronization, interconnection and reliability standards established by the commission, the National Electrical Safety Code, National Electrical Code, the Institute of Electrical, Electronics Engineers, and Underwriters Laboratories. Each qualified net metering unit used by a customer- generator shall also meet all reasonable standards and requirements established by the retail electric supplier to enhance employee, consumer and public safety and the reliability of electric service to the customer-generator and other consumers receiving electric service from the retail electric supplier. Each qualified net metering unit used by a customer-generator shall also comply with all applicable local building, electrical and safety codes. The customer-generator shall obtain liability insurance coverage in amounts and coverage as set by the commission by rule applicable to all qualified net metering units.

8. The cost of meeting the standards of subsection 7 of this section and any cost to install additional controls, to install additional metering, to perform or pay for additional tests or analysis of the effect of the operation of the qualified net metering unit on the local distribution system shall be paid by the customer-generator.

9. Applications by a customer-generator for interconnection to the distribution system shall include a copy of the plans and specifications for the qualified net metering unit for review and acceptance by the retail electric supplier. Prior to connection of the qualified net metering unit to the distribution system, the customer-generator will furnish the retail electric supplier a certification from a qualified professional electrician or engineer that the installation meets the requirements of subsection 7 of this section. Such applications shall be reviewed and responded to by the retail electric supplier within ninety days. If the application for interconnection is approved by the retail electric supplier, the retail electric supplier shall complete the interconnection within fifteen days if electric service already exists to the premises, unless a later date is mutually agreeable to both the customer-generator and the retail electric supplier.

10. The sale of qualified net metering units shall be subject to the provisions of sections 407.700 to 407.720, RSMo. The attorney general shall have the authority to promulgate in accordance with the provisions of chapter 536, RSMo, rules regarding mandatory disclosures of information by sellers of qualified net metering units. Such rules shall as a minimum require disclosure or the standards of subsection 7 of this section and potential liability of the owner or operator of a qualified net metering unit to third persons for personal injury or property damage as a result of negligent operation of a qualified net metering unit. 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, 2002, shall be invalid and void.]"; and

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

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

Representative Harris (23) offered **House Amendment No. 6**.

Representative Hobbs raised a point of order that **House Amendment No. 6** is not germane to the bill.

Representative Dempsey requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

On motion of Representative Bivins, **HCS SCS SB 54, as amended**, was adopted.

Speaker Jetton resumed the Chair.

On motion of Representative Bivins, **HCS SCS SB 54, as amended**, was read the third time and passed by the following vote:

AYES: 146

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|---|---|---|---|---|
| Aull | Avery | Baker 123 | Bearden | Bivins |
| Bland | Brandom | Brown 30 | 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 | Dougherty |
| Dusenberg | El-Amin | Emery | Ervin | Faith |
| Fallert | Fares | Fisher | Flook | Frame |
| Franz | Funderburk | George | Grill | Grisamore |
| Guest | Harris 110 | Haywood | Hobbs | Hodges |
| Holsman | Hoskins | Hubbard | Hughes | Icet |
| Johnson | Jones 89 | Jones 117 | Kelly | Kingery |
| Komo | Kraus | Lampe | Lembke | LeVota |
| Liese | Lipke | Loehner | Low 39 | Lowe 44 |
| Marsh | May | McClanahan | McGhee | Meadows |
| Meiners | 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 | 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 | Wasson | Wells | Weter |
| Whorton | Witte | Wood | Wright 159 | Wright-Jones |
| Yaeger | Yates | Young | Zimmerman | Zweifel |
| Mr Speaker | | | | |

NOES: 006

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|---|---|---|---|---|
| Baker 25 | Bringer | Donnelly | Harris 23 | Kuessner |
| Talboy | | | | |

PRESENT: 002

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|---|---|
| Wilson 119 | Wilson 130 |

ABSENT WITH LEAVE: 009

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|---|---|---|---|---|
| Bowman | Curls | Hunter | Kratky | Moore |
| Ruestman | Salva | Walton | Wildberger | |

Speaker Jetton declared the bill passed.

**HCS SCS SB 47**, relating to fire protection, was taken up by Representative Bruns.

Representative Cooper (120) assumed the Chair.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 47, Page 4, Section 320.339, Line 8, by inserting after all of said line the following:

"**Section 1. The inspection conducted under subsection 14 of section 190.105, RSMo, shall be limited to the verification of compliance with standards for renewal of an existing license, and shall not include the criteria set forth in subsection 3 of section 190.109, RSMo, or any other existing criteria required for the issuance of a license to a nonlicense holder or for a licensee seeking to expand its ambulance service area. Any licenses acquired upon a sale or transfer of any ground ambulance service ownership shall remain in full force and effect after the sale or transfer unless suspended or revoked for cause as provided in section 190.165, RSMo.**"; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 47, Page 1, Section A, Line 3, by inserting after all of said line the following:

"**320.097. 1. As used in this section, "fire department" means any agency or organization that provides fire suppression and related activities, including but not limited to fire prevention, rescue, emergency medical services, hazardous material response, dispatching, or special operations to a population within a fixed and legally recorded geographical area.**

**2. No employee of a fire department shall, as a condition of employment, be required to reside within a fixed and legally recorded geographical area of the fire department if the only public school district available to the employee within such fire department's geographical area is a public school district that is or has been unaccredited or provisionally accredited in the last five years of such employee's employment. No charter school shall be deemed a public school for purposes of this section.**

**3. No employee of a fire department who has not resided in such fire department's fixed and legally recorded geographical area, or who has changed such employee's residency because of conditions described in subsection 2 of this section, shall as a condition of employment be required to reside within the fixed and legally recorded geographical area of the fire department if such school district subsequently becomes fully accredited.**"; and

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

Representative Johnson raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

Representative Cooper (120) requested a parliamentary ruling.

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

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

*House Amendment No. 1*
*to*
*House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 47, Page 1, Section 320.097, Line 9, by inserting after "2." the following:

"Subject to the approval of the Board of Aldermen,".

**HCS SCS SB 47, as amended, with House Amendment No. 1 to House Amendment No. 2, and House Amendment No. 2, pending**, was laid over.

On motion of Representative Dempsey, the House recessed until 2:30 p.m.

## AFTERNOON SESSION

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

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 3249 through House Resolution No. 3320

## HOUSE BILL WITH SENATE AMENDMENT

**SS SCS HCS HB 16**, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that **SS SCS HCS HB 16** be adopted.

Representative Salva made a substitute motion that the House refuse to adopt **SS SCS HCS HB 16** and request the Senate to recede from its position, and, failing to do so, grant the House a conference for the purpose of reducing the amount of money appropriated to Missouri State University by $176,734.

Which motion was defeated by the following vote:

AYES: 059

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|---|---|---|---|---|
| Aull | Baker 123 | Bland | Bowman | Bringer |
| Brown 50 | Burnett | Casey | Chappelle-Nadal | Corcoran |
| Darrough | Deeken | Donnelly | Dusenberg | Fallert |
| Flook | Frame | George | Grill | Harris 23 |
| Harris 110 | Haywood | Hodges | Holsman | Hoskins |
| Komo | Kratky | Kraus | LeVota | Liese |
| McClanahan | Meadows | Meiners | Nasheed | Norr |
| Page | Quinn 9 | Robinson | Roorda | Rucker |
| Salva | Scavuzzo | Schieffer | Schoemehl | Shively |
| Silvey | Skaggs | Spreng | Storch | Talboy |
| Todd | Villa | Vogt | Walsh | Whorton |
| Wright-Jones | Yaeger | Zimmerman | Zweifel | |

NOES: 097

| | | | | |
|---|---|---|---|---|
| Avery | Baker 25 | Bearden | Bivins | Brandom |
| Brown 30 | Bruns | Cooper 120 | Cooper 155 | Cooper 158 |
| Cox | Cunningham 145 | Cunningham 86 | Daus | Davis |
| Day | Dempsey | Denison | Dethrow | Dixon |
| Emery | Ervin | Faith | Fares | Fisher |
| Franz | Funderburk | Grisamore | Guest | Hobbs |
| Hubbard | Hughes | Hunter | Icet | Johnson |
| Jones 89 | Jones 117 | Kelly | Kingery | Lampe |
| Lembke | Lipke | Loehner | Low 39 | Lowe 44 |
| May | McGhee | Moore | Munzlinger | Muschany |
| Nance | Nieves | Nolte | Onder | Oxford |
| Parson | Pearce | Pollock | Portwood | Pratt |
| Quinn 7 | Richard | Robb | Ruestman | Ruzicka |
| Sander | Sater | Schaaf | Schad | Scharnhorst |
| Schlottach | Schneider | Schoeller | Self | Smith 14 |
| Smith 150 | Stevenson | St. Onge | Stream | Sutherland |
| Swinger | Thomson | Threlkeld | Tilley | Viebrock |
| Wallace | Wasson | Wells | Weter | Wilson 119 |
| Wilson 130 | Witte | Wood | Wright 159 | Yates |
| Young | Mr Speaker | | | |

PRESENT: 000

ABSENT WITH LEAVE: 007

| | | | | |
|---|---|---|---|---|
| Curls | Dougherty | El-Amin | Kuessner | Marsh |
| Walton | Wildberger | | | |

On motion of Representative Icet, **SS SCS HCS HB 16** was adopted by the following vote:

AYES: 106

| | | | | |
|---|---|---|---|---|
| Aull | Avery | Bearden | Bivins | Bland |
| Brandom | Brown 30 | Bruns | Cooper 120 | Cooper 155 |
| Cooper 158 | Cox | Cunningham 145 | Cunningham 86 | Davis |
| Day | Deeken | Dempsey | Denison | Dethrow |
| Dixon | Dougherty | Dusenberg | El-Amin | Emery |
| Faith | Fares | Fisher | Flook | Franz |

| | | | | |
|---|---|---|---|---|
| Funderburk | Grisamore | Guest | Hobbs | Hodges |
| Hoskins | Hubbard | Hughes | Hunter | Icet |
| Johnson | Jones 89 | Jones 117 | Kelly | Kingery |
| Kratky | Lampe | Lembke | Lipke | Loehner |
| May | McClanahan | McGhee | Moore | Munzlinger |
| Nance | Nasheed | Nieves | Nolte | Norr |
| Onder | Parson | Pearce | Pollock | Portwood |
| Pratt | Quinn 7 | Richard | Robb | Robinson |
| Rucker | Ruestman | Ruzicka | Sater | Schaaf |
| Schad | Scharnhorst | Schlottach | Schneider | Schoeller |
| Self | Silvey | Smith 14 | Smith 150 | Stevenson |
| St. Onge | Stream | Sutherland | Talboy | Thomson |
| Threlkeld | Tilley | Todd | Viebrock | Wallace |
| Wasson | Wells | Weter | Whorton | Wilson 119 |
| Wilson 130 | Wood | Wright 159 | Wright-Jones | Young |
| Mr Speaker | | | | |

NOES: 053

| | | | | |
|---|---|---|---|---|
| Baker 25 | Baker 123 | Bowman | Bringer | Brown 50 |
| Burnett | Casey | Chappelle-Nadal | Corcoran | Darrough |
| Daus | Donnelly | Ervin | Fallert | Frame |
| George | Grill | Harris 23 | Harris 110 | Haywood |
| Holsman | Komo | Kraus | LeVota | Liese |
| Low 39 | Lowe 44 | Meadows | Meiners | Muschany |
| Oxford | Page | Quinn 9 | Roorda | Salva |
| Sander | Scavuzzo | Schieffer | Schoemehl | Shively |
| Skaggs | Spreng | Storch | Swinger | Villa |
| Vogt | Walsh | Walton | Witte | Yaeger |
| Yates | Zimmerman | Zweifel | | |

PRESENT: 000

ABSENT WITH LEAVE: 004

| | | | |
|---|---|---|---|
| Curls | Kuessner | Marsh | Wildberger |

On motion of Representative Icet, **SS SCS HCS HB 16** was truly agreed to and finally passed by the following vote:

AYES: 105

| | | | | |
|---|---|---|---|---|
| Aull | Avery | Bearden | Bivins | Bland |
| Brandom | Brown 30 | Brown 50 | Bruns | Cooper 120 |
| Cooper 155 | Cooper 158 | Cox | Cunningham 145 | Cunningham 86 |
| Day | Deeken | Dempsey | Denison | Dethrow |
| Dixon | Dougherty | Dusenberg | El-Amin | Emery |
| Faith | Fares | Fisher | Flook | Franz |
| Funderburk | Grisamore | Guest | Hodges | Hoskins |
| Hubbard | Hughes | Icet | Johnson | Jones 89 |
| Jones 117 | Kelly | Kingery | Kratky | Lampe |
| Lembke | Lipke | Loehner | Lowe 44 | May |
| McClanahan | McGhee | Moore | Munzlinger | Nance |
| Nasheed | Nieves | Nolte | Norr | Onder |
| Parson | Pearce | Pollock | Portwood | Pratt |
| Quinn 7 | Richard | Robb | Robinson | Rucker |
| Ruestman | Ruzicka | Sater | Schaaf | Schad |

| | | | | |
|---|---|---|---|---|
| Schlottach | Schneider | Schoeller | Self | Silvey |
| Smith 14 | Smith 150 | Stevenson | St. Onge | Stream |
| Sutherland | Talboy | Thomson | Threlkeld | Tilley |
| Todd | Viebrock | Wallace | Wasson | Wells |
| Weter | Whorton | Wilson 119 | Wilson 130 | Wood |
| Wright 159 | Wright-Jones | Yates | Young | Mr Speaker |

NOES: 050

| | | | | |
|---|---|---|---|---|
| Baker 25 | Bowman | Bringer | Burnett | Casey |
| Chappelle-Nadal | Corcoran | Darrough | Daus | Davis |
| Donnelly | Ervin | Fallert | Frame | George |
| Grill | Harris 23 | Harris 110 | Haywood | Holsman |
| Komo | Kraus | LeVota | Liese | Low 39 |
| Meadows | Meiners | Muschany | Oxford | Page |
| Quinn 9 | Roorda | Salva | Sander | Scavuzzo |
| Schieffer | Schoemehl | Shively | Skaggs | Spreng |
| Storch | Swinger | Villa | Vogt | Walsh |
| Walton | Witte | Yaeger | Zimmerman | Zweifel |

PRESENT: 000

ABSENT WITH LEAVE: 008

| | | | | |
|---|---|---|---|---|
| Baker 123 | Curls | Hobbs | Hunter | Kuessner |
| Marsh | Scharnhorst | Wildberger | | |

Speaker Pro Tem Bearden declared the bill passed.

## THIRD READING OF SENATE BILL

**SCS SB 4**, relating to a health care provider tax, was taken up by Representative Icet.

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

*House Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 4, Page 1, Section 198.439, Line 2, by deleting the number "**2009**" and inserting in lieu thereof the number "**2011**"; and

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

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

Representative Baker (25) offered **House Amendment No. 2**.

Representative Stevenson raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Harris (110) offered **House Amendment No. 3**.

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

The Chair ruled the point of order well taken.

On motion of Representative Icet, **SCS SB 4, as amended**, was read the third time and passed by the following vote:

AYES: 157

| | | | | |
|---|---|---|---|---|
| Aull | Avery | Baker 25 | Baker 123 | Bearden |
| Bivins | Bland | Bowman | Brandom | Bringer |
| Brown 30 | 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 |
| Funderburk | 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 | Kraus | 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 |
| Stevenson | St. Onge | Storch | Stream | Sutherland |
| Swinger | Talboy | Thomson | Threlkeld | Tilley |
| Todd | Viebrock | Villa | Vogt | Wallace |
| Walsh | Walton | Wasson | Wells | Weter |
| Wilson 119 | Wilson 130 | Witte | Wood | Wright 159 |
| Wright-Jones | Yaeger | Yates | Young | Zimmerman |
| Zweifel | Mr Speaker | | | |

NOES: 001

Whorton

PRESENT: 000

ABSENT WITH LEAVE: 005

| | | | | |
|---|---|---|---|---|
| Curls | Kratky | Kuessner | Marsh | Wildberger |

Speaker Pro Tem Bearden declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 155

| | | | | |
|---|---|---|---|---|
| Aull | Avery | Baker 25 | Bearden | Bivins |
| Bowman | Brandom | Bringer | Brown 30 | 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 | Funderburk | 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 |
| Kraus | 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 | Stevenson | St. Onge |
| Storch | Stream | Sutherland | Swinger | Talboy |
| Thomson | Threlkeld | Tilley | Todd | Viebrock |
| Villa | Vogt | Wallace | Walsh | Walton |
| Wasson | Wells | Weter | Wilson 119 | Wilson 130 |
| Witte | Wood | Wright 159 | Wright-Jones | Yaeger |
| Yates | Young | Zimmerman | Zweifel | Mr Speaker |

NOES: 001

Whorton

PRESENT: 000

ABSENT WITH LEAVE: 007

| | | | | |
|---|---|---|---|---|
| Baker 123 | Bland | Curls | Kratky | Kuessner |
| Marsh | Wildberger | | | |

Speaker Jetton resumed the Chair.

## APPOINTMENT OF CONFERENCE COMMITTEE

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

**HCS#2 SB 406**: Representatives Wallace, Moore, Viebrock, Lampe and Yaeger

Speaker Pro Tem Bearden resumed the Chair.

## THIRD READING OF SENATE BILLS

**HCS SCS SB 384, as amended, with House Amendment No. 2, pending**, relating to stolen license plate tabs, was taken up by Representative Daus.

Representative Portwood offered **House Substitute Amendment No. 1 for House Amendment No. 2**.

*House Substitute Amendment No. 1*
*for*
*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 384, Section 301.301, Page 4, by inserting after all of said section the following:

"**304.286. 1. The provisions of sections 304.286 to 304.290 shall be known as the "Missouri Universal Red Light Enforcement Act" (MURLE). For the purposes of sections 304.286 to 304.290, the following terms mean:**

**(1) "Agency", any county, city, town, village, municipality, state agency, or other political subdivision of this state that is authorized to issue a notice of violation for a violation of a state or local traffic law or regulation;**

**(2) "Automated photo red light enforcement system" or "system", a device owned by an agency consisting of a camera or cameras and vehicle sensor or sensors, installed to work in conjunction with a traffic control signal;**

**(3) "Owner", the owner of a motor vehicle as shown on the motor vehicle registration records of the Missouri department of revenue or the analogous department or agency of another state or country. The term "owner" includes:**

**(a) A lessee of a motor vehicle under a lease of six months or more; or**

**(b) The lessee of a motor vehicle rented or leased from a motor vehicle rental or leasing company, but does not include the motor vehicle rental or leasing company itself.**

**If there is more than one owner of the motor vehicle, the primary owner will be deemed the owner. If no primary owner is named, the first-listed owner will be deemed the owner;**

**(4) "Recorded image", an image recorded by an automated photo red light enforcement system that depicts the rear view of a motor vehicle and is automatically recorded by a high-resolution camera as a digital image;**

**(5) "Steady red signal indication violation" or "violation", a violation of a steady red signal indication under sections 304.271 and 304.281 or substantially similar agency ordinance or traffic laws;**

**(6) "Traffic control signal", a traffic control device that displays alternating red, yellow, and green lights intended to direct traffic as when to stop at or proceed through an intersection.**

**2. All automated photo red light enforcement systems shall be registered with the Missouri department of transportation prior to installation. The department of transportation shall collect a one-time registration fee of five hundred dollars per light and all registration fees collected shall be deposited in the "Red Light Enforcement Fund" hereby established. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used to conduct audits to ensure agency compliance with the provisions of sections 304.271 to 304.281, including, but not limited to, ensuring that the agency is distributing the fines collected as required under section 304.287. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**

**3. No agency shall use an automated photo red light enforcement system unless the system is capable of producing at least two high-resolution color digital recorded images that show:**

**(1) The traffic control signal while it is emitting a steady red signal;**

**(2) The offending vehicle; and**

**(3) The rear license plate of the offending vehicle. One of the images must be of sufficient resolution to show clearly, while the vehicle is in the intersection and while the traffic signal is emitting a steady red signal, all three elements set forth in this subdivision and subdivisions (1) and (2) of this subsection.**

**4. The automated photo red light enforcement system shall not capture images of the front license plate of the motor vehicle.**

**5. The automated photo red light enforcement system shall utilize a video recording component which shall record the local time at which the two violation images were captured, as well as at least five seconds before and at least five seconds after the violation event.**

**6. No system may photograph or otherwise capture an image of the driver's face.**

**7. Agencies that utilize automated photo red light enforcement systems to detect and enforce steady red signal indication violations are subject to the conditions and limitations specified in sections 304.286 to 304.290.**

**8. Prior to activation of the system at an intersection:**

**(1) If not already present, the roadway first must be clearly marked with a white stripe indicating the stop line and the perimeter of the intersection;**

**(2) Warning signs shall be installed within five hundred feet of the white stripe indicating the stop line;**

**(3) Signal phase timings at intersections equipped with a system shall be certified by the Missouri department of transportation before the automated photo red light enforcement systems may be activated for enforcement purposes and any adjustment to such timing shall be made only by a department of transportation traffic engineer. If an agency alters the signal phase timing at an intersection without prior written approval from the Missouri department of transportation and without certification by the department of transportation traffic engineer, the agency shall be assessed a municipal fine of fifty thousand dollars for a first offense and the red light device shall be removed upon a subsequent violation. In no case shall a private vendor have the ability to control the signal phase timing connected with a system.**

**9. Prior to installing the automated photo red light enforcement system, the agency shall give notice of the intersection where the system will be located and of the date on which the system will begin to monitor the intersection. The agency shall give reasonable notice at least fourteen days prior to the installation of the system in a newspaper of general circulation throughout the political subdivision served by the agency.**

**10. Any agency that implements a system shall submit an annual report to the Missouri department of transportation. The report shall include, at a minimum:**

**(1) The number of intersections enforced by active systems;**

**(2) The number of notices of violation mailed;**

**(3) The number of notices of violation paid;**

**(4) The number of hearings; and**

**(5) The total revenue collected as a result of the program.**

**Any agency failing to complete the annual report required under this subsection within forty-five days of the time such report is due shall be assessed a fine of fifty thousand dollars and all automated photo red light enforcement systems shall be removed from the agency's jurisdiction.**

**11. Within three years of the establishment of an automated photo traffic law enforcement program, the implementing jurisdiction shall initiate a formal evaluation of the program to determine the program's impact on traffic safety. That evaluation shall be completed within one year.**

**12. An agency that establishes an automated photo red light enforcement system may enter into an agreement or agreements for the purpose of compensating a private vendor to perform operational and administrative tasks associated with the use of such system. The notice of violation issued under section 304.287, however, shall not be issued by a private vendor. Any compensation paid to a private vendor shall not be based upon the number of violations mailed, the number of citations issued, the number of violations paid, or the amount of revenue collected by the agency. The compensation paid to a private vendor shall be based upon the value of the equipment and the services provided or rendered in support of the system.**

**304.287. 1. Before a notice may be issued, all violation images produced by a system shall be reviewed and approved by a law or code enforcement officer employed by the agency in which the alleged violation occurred. Such review and acceptance shall be based on a full review of the images that clearly demonstrate a violation.**

**2. Based on inspection of recorded images produced by a system, a notice of violation or copy of such notice alleging that the violation occurred and signed manually or digitally by a duly authorized agent of the agency shall be evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation under sections 304.286 to 304.290.**

**3. An agency shall mail or cause to be mailed a notice of violation by certified mail to the owner of the motor vehicle, which notice shall include, in addition to the requirements of supreme court rule no. 37:**

**(1) The name and address of the owner of the vehicle;**

**(2) The registration number of the motor vehicle involved in the violation;**

**(3) A copy of the two recorded images and a zoomed and cropped image of the vehicle license plate which was extracted from one of the two images;**

**(4) Information advising the registered owner of how he or she can review the video, photographic, and recorded images that captured the alleged violation. The agency may provide access to the video and other recorded images through the Internet. If access to the video and other recorded images is provided through the Internet, the agency shall ensure that such video and recorded images are accessible only to the registered owner through a password-protected system;**

**(5) A manually or digitally signed statement by a law or code enforcement officer employed by the agency that, based on inspection of the two recorded images and video sequence, the motor vehicle was operated in violation of a traffic control device or prevailing traffic laws or statutes;**

**(6) Information advising the registered owner of the manner, time, and place in which liability as alleged in the notice of violation may be contested, and warning that failure to pay the civil penalty or to contest liability within fourteen days from the mailing of notice is an admission of liability; and**

**(7) Information advising the registered owner that he or she may file an affidavit under subsection 8 of this section stating that he or she was not the operator of the vehicle at the time of the violation.**

**4. A notice of violation issued under this section shall be mailed no later than three business days after the violation was recorded by the automated photo red light enforcement system. The issuance of a notice of violation under this section shall be made by the agency, and shall not be subcontracted to a third party.**

**5. The civil penalties and court costs imposed for a violation detected and enforced pursuant to a system shall not exceed an amount that would have been imposed if the violation had been detected by a law enforcement officer present when the violation occurred. In no event shall the combined fine and court costs exceed one hundred dollars. Any fine collected under this section shall go to the local school district where the infraction occurred and shall not be distributed through the school funding mechanisms of section 163.031, RSMo. The chief elected official of any agency failing to distribute the funds as directed under this subsection shall be subject to criminal liability.**

**6. Notwithstanding any provision of law to the contrary, including but not limited to, sections 304.271, 304.281, 304.361, and 304.570, any person who commits a steady red light violation that is detected and enforced through an automated photo red light enforcement system is guilty of an infraction. A penalty imposed by an agency for a violation detected pursuant to a system shall not be deemed a moving violation and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall such imposition of a penalty be subject to merit rating for insurance purposes and no surcharge points shall be imposed in the provision of motor vehicle insurance coverage. In no case shall points be assessed against any person under section 302.302, RSMo, for a violation detected by an automated photo red light enforcement system.**

**7. Payment of the established fine and any applicable civil penalties shall operate as a final disposition of the case. Payment of the fine and any penalties, whether before or after hearing, by one motor vehicle owner shall be satisfaction of the fine as to all other motor vehicle owners of the same motor vehicle for the same violation.**

**8. In the prosecution of a steady red signal indication violation under sections 304.286 to 304.290, the agency shall have the burden of proving that the vehicle described in the notice of violation issued under this section was operated in violation of sections 304.286 to 304.290 and that the defendant was at the time of such violation the owner and the driver of such vehicle. The agency shall not enter into any plea-bargaining agreements in relation to any violation occurring under sections 304.286 to 304.290.**

**304.289. 1. For each automated photo red light enforcement system that is installed at an intersection by an agency, during the first thirty days the system is monitoring an intersection, the agency shall issue only warning notices and shall not issue any ticket or citation for any violation detected by the system.**

**2. No agency shall employ the use of a photo radar system to enforce speeding violations. As used in this subsection, the term "photo radar system" shall mean a device used primarily for highway speed limit enforcement substantially consisting of a radar unit linked to a camera, which automatically produces a photograph of a motor vehicle traveling in excess of the legal speed limit.**

**304.290. Photographic and other recorded evidence obtained through the use of automated photo red light enforcement devices shall be maintained according to law and shall be maintained by the appropriate agency for a period of at least three years. Such photographic and other recorded evidence obtained through the use of an automated photo red light enforcement system shall be confidential and shall not be deemed a "public record" under section 610.010, RSMo, and shall not be subject to the provisions of section 109.180, RSMo, or chapter 610, RSMo.**"; and

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

Representative Cooper (120) resumed the Chair.

Speaker Pro Tem Bearden resumed the Chair.

**HCS SCS SB 384, as amended, with House Substitute Amendment No. 1 for House Amendment No. 2, and House Amendment No. 2, pending**, was laid over.

**HCS SCS SB 47, as amended, with House Amendment No. 1 to House Amendment No. 2, and House Amendment No. 2, pending,** relating to fire protection, was again taken up by Representative Bruns.

On motion of Representative Villa, **House Amendment No. 1 to House Amendment No. 2** was adopted by the following vote:

AYES: 078

| | | | | |
|---|---|---|---|---|
| Aull | Baker 25 | Baker 123 | Bland | Bowman |
| Brandom | Bringer | Brown 30 | Brown 50 | Burnett |
| Casey | Chappelle-Nadal | Cooper 120 | Cooper 155 | Daus |
| Dethrow | Donnelly | Dougherty | El-Amin | Emery |
| Flook | Frame | George | Harris 110 | Haywood |
| Hodges | Holsman | Hoskins | Hubbard | Hughes |
| Hunter | Johnson | Jones 117 | Komo | Kratky |
| LeVota | Lipke | Loehner | Low 39 | Lowe 44 |
| McClanahan | Meiners | Nance | Nasheed | Nolte |
| Oxford | Pollock | Quinn 7 | Quinn 9 | Robb |
| Robinson | Rucker | Ruestman | Scharnhorst | Schneider |
| Schoemehl | Shively | Skaggs | Spreng | Stevenson |
| Swinger | Talboy | Threlkeld | Todd | Viebrock |
| Villa | Vogt | Wallace | Walsh | Walton |
| Wells | Whorton | Witte | Wood | Wright-Jones |
| Young | Zimmerman | Zweifel | | |

NOES: 077

| | | | | |
|---|---|---|---|---|
| Avery | Bearden | Bivins | Bruns | Cooper 158 |
| Corcoran | Cox | Cunningham 145 | Cunningham 86 | Davis |
| Day | Deeken | Dempsey | Denison | Dixon |
| Dusenberg | Ervin | Faith | Fallert | Fisher |
| Franz | Funderburk | Grill | Grisamore | Guest |
| Harris 23 | Hobbs | Icet | Jones 89 | Kelly |
| Kingery | Kraus | Lampe | Lembke | Liese |

| | | | | |
|---|---|---|---|---|
| May | McGhee | Meadows | Moore | Munzlinger |
| Muschany | Nieves | Norr | Onder | Page |
| Parson | Pearce | Portwood | Pratt | Richard |
| Roorda | Ruzicka | Salva | Sander | Sater |
| Scavuzzo | Schaaf | Schad | Schieffer | Schlottach |
| Schoeller | Self | Silvey | Smith 14 | Smith 150 |
| St. Onge | Stream | Sutherland | Thomson | Tilley |
| Wasson | Weter | Wilson 130 | Wright 159 | Yaeger |
| Yates | Mr Speaker | | | |

PRESENT: 003

| | | |
|---|---|---|
| Darrough | Fares | Wilson 119 |

ABSENT WITH LEAVE: 005

| | | | | |
|---|---|---|---|---|
| Curls | Kuessner | Marsh | Storch | Wildberger |

Representative Portwood moved that **House Amendment No. 2, as amended**, be adopted.

Which motion was defeated.

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

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

The Chair ruled the point of order well taken.

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

Representative Cooper (120) raised a point of order that **House Amendment No. 4** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

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

Representative Cooper (120) raised a point of order that **House Amendment No. 5** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Bruns, **HCS SCS SB 47, as amended**, was adopted.

On motion of Representative Bruns, **HCS SCS SB 47, 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 30 | 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 | Ervin | Faith | Fallert | Fares |
| Fisher | Flook | Frame | Franz | Funderburk |
| George | Grill | Grisamore | Guest | Harris 23 |
| Harris 110 | Haywood | Hobbs | Hodges | Holsman |
| Hoskins | Hubbard | Hunter | Icet | Johnson |
| Jones 89 | Jones 117 | Kelly | Kingery | Komo |
| Kratky | Kraus | 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 | Stevenson |
| St. Onge | Storch | Stream | Sutherland | Swinger |
| Talboy | Thomson | Threlkeld | Todd | Viebrock |
| Villa | Vogt | 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: 001

Emery

PRESENT: 000

ABSENT WITH LEAVE: 006

| | | | | |
|---|---|---|---|---|
| Curls | Hughes | Kuessner | Marsh | Tilley |
| Wildberger | | | | |

Speaker Pro Tem Bearden declared the bill passed.

**HCS SB 666**, relating to license renewal for the military, was taken up by Representative Grill.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 666, Section 302.171, Page 6, Line 89, by inserting immediately after the period "." the following:

"**Notwithstanding any other provision of this chapter that requires an applicant to provide proof of lawful presence for renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, an applicant who submits a Certificate of Release or Discharge from Active Duty, DD Form 214, noting honorable discharge shall be exempt from showing proof of lawful presence. If any federal law or regulation prohibits or restricts such an exemption or would result in the loss of federal funding for this state, the director**

**of revenue shall apply for any federal waiver necessary to allow veterans to utilize a Certificate of Release or Discharge from Active Duty in lieu of the requirements for submission of a birth certificate.**
**10.**"; and

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

Representative Daus 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 for Senate Bill No. 666, Page 5, Section 302.171, Line 86, by deleting all of said line and inserting in lieu thereof the following:

"instruction permit, or nondriver's license, an applicant who **[**is sixty-five years and older and who"; and

Further amend said bill, Page 6, Section 302.171, Line 96, by deleting all of said line and inserting in lieu thereof the following:

"producing proof of lawful presence**]** **has previously held for a period of twelve years a Missouri noncommercial driver's license, Missouri noncommercial instruction permit, or Missouri nondriver's license is exempt from showing proof of lawful presence**.
**10. Notwithstanding any other provision of this chapter that requires an applicant to provide proof of lawful presence for renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, an applicant who submits a Certificate of Release or Discharge from Active Duty, DD Form 214, noting honorable discharge shall be exempt from showing proof of lawful presence. If any federal law or regulation prohibits or restricts such an exemption or would result in the loss of federal funding for this state, the director of revenue shall apply for any federal waiver necessary to allow veterans to utilize a Certificate of Release or Discharge from Active Duty in lieu of the requirements for submission of a birth certificate.**"; and

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

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

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

Representative Darrough raised a point of order that **House Amendment No. 2** is not germane to the bill.

The Chair ruled the point of order well taken.

Representative St. Onge offered **House Amendment No. 3**.

Representative Darrough raised a point of order that **House Amendment No. 3** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Grill, **HCS SB 666, as amended**, was adopted.

On motion of Representative Grill, **HCS SB 666, as amended**, was read the third time and passed by the following vote:

AYES: 158

| | | | | |
|---|---|---|---|---|
| Aull | Avery | Baker 25 | Baker 123 | Bearden |
| Bivins | Bland | Bowman | Brandom | Bringer |
| Brown 30 | 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 |
| Funderburk | George | Grill | Grisamore | Guest |
| Harris 23 | Harris 110 | Haywood | Hobbs | Hodges |
| Holsman | Hoskins | Hubbard | Hughes | Icet |
| Johnson | Jones 89 | Jones 117 | Kelly | Kingery |
| Komo | Kratky | Kraus | 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 |
| Stevenson | St. Onge | Storch | Stream | Sutherland |
| Swinger | Talboy | Thomson | Threlkeld | Tilley |
| Todd | Viebrock | Villa | Vogt | 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: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

| | | | | |
|---|---|---|---|---|
| Curls | Hunter | Kuessner | Marsh | Wildberger |

Speaker Pro Tem Bearden declared the bill passed.

## HOUSE BILL WITH SENATE AMENDMENT

**HB 488, with Senate Amendment No. 1**, relating to a credit for idle reduction technology, was taken up by Representative Wasson.

Representative Wasson moved that the House refuse to concur in **Senate Amendment No. 1** to **HB 488** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 220**.

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 298**, entitled:

An act to amend chapter 319, RSMo, by adding thereto seventeen new sections relating to blasting and excavation, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SBs 62 & 41, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 156, as amended**, and requests the House recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 416**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

## BILLS CARRYING REQUEST MESSAGES

**HCS SCS SB 82, as amended**, relating to motor vehicles, was taken up by Representative Tilley.

Representative Tilley moved that the House refuse to recede from its position on **HCS SCS SB 82, as amended**, and grant the Senate a conference.

Representative Burnett made a substitute motion that the House refuse to recede from its position on **HCS SCS SB 82, as amended**, and grant the Senate a conference thereon and permit the conferees to exceed the differences to delete the salvage language from the bill.

Which motion was defeated.

Representative Tilley again moved that the House refuse to recede from its position on **HCS SCS SB 82, as amended**, and grant the Senate a conference.

Which motion was adopted.

**HCS SB 84, as amended**, relating to criminal background checks for emergency child placements, was taken up by Representative Franz.

Representative Franz moved that the House refuse to recede from its position on **HCS SB 84, as amended**, and grant the Senate a conference.

Which motion was adopted.

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

Representative Pratt moved that the House refuse to recede from its position on **HCS SB 416, as amended**, and grant the Senate a conference.

Which motion was adopted.

**HCS SCS SB 156, as amended**, relating to alternative fuels, was taken up by Representative Quinn (7).

Representative Quinn (7) moved that the House refuse to recede from its position on **HCS SCS SB 156, as amended**, and grant the Senate a conference.

Which motion was adopted.

## BILL IN CONFERENCE

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

Representative Ervin moved that the House conferees be allowed to exceed the differences on language concerning assessors.

Which motion was adopted.

## BILL CARRYING REQUEST MESSAGE

**HCS SCS SBs 62 & 41, as amended**, relating to defensive use of force and firearms, was taken up by Representative Ruestman.

Representative Ruestman moved that the House refuse to recede from its position on **HCS SCS SBs 62 & 41, as amended**, and grant the Senate a conference.

Which motion was adopted.

## COMMITTEE REPORTS

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

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

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SB 112** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Health Care Policy**, Chairman Cooper (155) reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **SCS SB 530**, 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.

**Special Committee on Energy and Environment**, Chairman Bivins reporting:

Mr. Speaker: Your Special Committee on Energy and Environment, to which was referred **SCS SB 391**, 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.

**Special Committee on General Laws**, Chairman Tilley reporting:

Mr. Speaker: Your Special Committee on General Laws, to which was referred **HJR 31**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

**Special Committee on Healthcare Facilities**, Chairman Schaaf reporting:

Mr. Speaker: Your Special Committee on Healthcare Facilities, to which was referred **SS SCS SB 577**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

**Special Committee on Tax Reform**, Chairman Stevenson reporting:

Mr. Speaker: Your Special Committee on Tax Reform, to which was referred **HB 1034**, 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.

**Special Committee on Utilities**, Chairman Emery reporting:

Mr. Speaker: Your Special Committee on Utilities, to which was referred **SS SB 40**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

**Special Committee on Veterans**, Chairman Day reporting:

Mr. Speaker: Your Special Committee on Veterans, to which was referred **HCR 5**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE CONCURRENT RESOLUTION NO. 5

WHEREAS, the current government of Vietnam is a nondemocratic, one-party system of government without rule of law that arbitrarily infringes upon the basic human and civil liberties of its citizens; and

WHEREAS, Vietnamese-Americans were forced to flee Vietnam in fear of the government of Vietnam's campaign of retribution and persecution after the fall of Saigon in 1975; and

WHEREAS, the State of Missouri is home to 20,000 Vietnamese-Americans and residents of Vietnamese descent who have made substantial contributions to the cultural, religious, business, and commerce of the State of Missouri; and

WHEREAS, the vast majority of Vietnamese-Americans embrace the yellow with three red stripes heritage and freedom flag as the official symbol of the Vietnamese-American community; and

WHEREAS, dating back to 1948, the yellow flag with three red stripes has a long history in Vietnam and is a broader symbol of resilience, freedom, and democracy of and for Vietnamese-Americans and free Vietnamese around the world; and

WHEREAS, Vietnamese-Americans have shown their desire that the yellow flag with three red stripes be recognized as the official flag of the Vietnamese-American community:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-fourth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the State of Missouri to formally recognize the yellow with three red stripes heritage and freedom flag as the official flag of the Vietnamese-American community in this state, and permit this flag to be displayed on any state-owned property, at any state-controlled or sponsored Vietnamese-American event, or at any public function organized by the Vietnamese-American community, subject to the permit requirements of the event's locality; and

BE IT FURTHER RESOLVED that the Missouri General Assembly urges the State of Missouri to require that United States Flag etiquette and protocol be taught in fourth grade in Missouri public schools; and

BE IT FURTHER RESOLVED that the Missouri General Assembly encourages county officials and city legislators in the State of Missouri to pass resolutions recognizing the yellow with three red stripes heritage and freedom flag as the official flag of the Vietnamese-American community.

Mr. Speaker: Your Special Committee on Veterans, to which was referred **SCS SB 75**, begs leave to report it has examined the same and recommends that the **House Committee Substitute 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 **HCS HB 1108**, 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 5**, 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 85**, 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 130**, 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 226**, 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 299 & SS SCS SB 616**, 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 313**, begs leave to report it has examined the same and recommends that it **Be Returned to Committee of Origin**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 323**, 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 429**, begs leave to report it has examined the same and recommends that it **Do Pass with a time limit of 90 minutes for debate on Third Reading**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 482**, 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 510**, 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 543**, 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 664**, 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 671**, begs leave to report it has examined the same and recommends that it **Do Pass**.

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 41**, entitled:

An act to repeal sections 86.365, 195.503, 590.040, and 650.120, RSMo, and to enact in lieu thereof three new sections relating to law enforcement, with an emergency clause for certain sections.

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

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Bill No. 41, Page 1, Section A, Line 3, by inserting after all of said line the following:

"84.120. **1.** No person shall be appointed or employed as policeman, turnkey, or officer of police who shall have been convicted of, or against whom any indictment may be pending, for any offense, the punishment of which may be confinement in the penitentiary; nor shall any person be so appointed who is not of good character, or who is not a citizen of the United States, or who is not able to read and write the English language, or who does not possess ordinary physical strength and courage. The patrolmen and turnkeys hereafter appointed shall serve while they shall faithfully perform their duties and possess mental and physical ability and be subject to removal only for cause after a hearing by the boards, who are hereby invested with the [exclusive] jurisdiction in the premises.

**2. The board shall have the sole discretion whether to delegate portions of its jurisdiction to hearing officers. The board shall retain final and ultimate authority over such matters and over the person to whom the delegation may be made. In any hearing before the board under this section, the member involved may make application to the board to waive a hearing before the board and request that a hearing be held before a hearing officer.**

**3. Nothing in this section or chapter shall be construed to prohibit the board of police commissioners from delegating any task related to disciplinary matters, disciplinary hearings, or any other hearing or proceeding which could otherwise be heard by the board or concerning any determination related to whether an officer is able to perform the necessary functions of the position. Tasks related to the preceding matter may be delegated by the board to a hearing officer under the provisions of subsection 4 of this section.**

**4. (1) The hearing officer to whom a delegation has been made by the board may, at the sole discretion of the board, perform certain functions, including but not limited to the following:**

**(a) Presiding over a disciplinary matter from its inception through to the final hearing;**

**(b) Preparing a report to the board of police commissioners; and**

**(c) Making recommendations to the board of police commissioners as to the allegations and the appropriateness of the recommended discipline.**

**(2) The board shall promulgate rules, which may be changed from time to time as determined by the board, and shall make such rules known to the hearing officer or others.**

**(3) The board shall at all times retain the authority to render the final decision after a review of the relevant documents, evidence, transcripts, videotaped testimony, or report prepared by the hearing officer.**

**5. Hearing officers shall be selected in the following manner:**

**(1) The board shall establish a panel of not less than five persons, all who are to be licensed attorneys in good standing with the Missouri Bar. The composition of the panel may change from time to time at the board's discretion;**

**(2) From the panel, the relevant member or officer and a police department representative shall alternatively and independently strike names from the list with the last remaining name being the designated hearing officer. The board shall establish a process to be utilized for each hearing which will determine which party makes the first strike and the process may change from time to time;**

**(3) After the hearing officer is chosen and presides over a matter, such hearing officer shall become ineligible until all hearing officers listed have been utilized, at which time the list shall renew, subject to officers' availability.**

84.170. 1. When any vacancy shall take place in any grade of officers, it shall be filled from the next lowest grade; provided, however, that probationary patrolmen shall serve at least six months as such before being promoted to the rank of patrolman; patrolmen shall serve at least three years as such before being promoted to the rank of sergeant; sergeants shall serve at least one year as such before being promoted to the rank of lieutenant; lieutenants shall serve at least one year as such before being promoted to the rank of captain; and in no case shall the chief or assistant chief be selected from men not members of the force or below the grade of captain. Patrolmen shall serve at least three years as such before promotion to the rank of detective; the inspector shall be taken from men in the rank not below the grade of lieutenant.

2. The boards of police are hereby authorized to make all such rules and regulations, not inconsistent with sections 84.010 to 84.340, or other laws of the state, as they may judge necessary, for the appointment, employment, uniforming, discipline, trial and government of the police. The said boards shall also have power to require of any officer or policeman bond with sureties when they may consider it demanded by the public interests. All lawful rules and regulations of the board shall be obeyed by the police force on pain of dismissal or such lighter punishment, either by suspension, fine, reduction or forfeiture of pay, or otherwise as the boards may adjudge.

**3. The authority possessed by the board of police includes, but is not limited to, the authority to delegate portions of its powers authorized in section 84.120, including presiding over a disciplinary hearing, to a hearing officer as determined by the board.**"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Bill No. 41, Page 1, Section A, Line 3, by inserting immediately after all of said line the following:

"43.030. 1. The superintendent of the Missouri state highway patrol shall be appointed **from the uniformed membership of the patrol** by the governor by and with the advice and consent of the senate. The superintendent shall hold office at the pleasure of the governor. The superintendent shall be a citizen of the United States and a resident taxpaying citizen of this state for a period of three years previous to being appointed as superintendent and shall be at least thirty years of age. The superintendent shall maintain an office [and reside] in Jefferson City.

2. The superintendent of the Missouri state highway patrol shall:

(1) Have command of the patrol and perform all duties imposed on the superintendent and exercise all of the powers and authority conferred upon the superintendent by the provisions of this chapter and the requirements of chapter 650, RSMo;

(2) Within available appropriations, establish an equitable pay plan for the members of the highway patrol and radio personnel taking into consideration ranks and length of service.

43.050. 1. The superintendent may appoint not more than twenty-five captains and one director of radio, each of whom shall have the same qualifications as the superintendent, nor more than sixty lieutenants, and such additional force of sergeants, corporals and patrolmen, so that the total number of members of the patrol shall not exceed nine hundred sixty-five officers and patrolmen and such numbers of radio personnel as the superintendent deems necessary.

2. In case of a national emergency the superintendent may name additional patrolmen and radio personnel in a number sufficient to replace, temporarily, patrolmen and radio personnel called into military services.

3. **The superintendent may enter into an agreement with the Missouri gaming commission to enforce any law, rule, or regulation, conduct background investigations under the laws of this state, and enforce the regulations of licensed gaming activities governed by chapter 313, RSMo. A notice of either party to terminate or modify the provisions of such agreement shall be in writing and executed not less than one year from the effective date of the termination or modification, unless mutually agreed upon by the superintendent and the Missouri gaming commission.** Members of the patrol hired in conjunction with any agreement with the Missouri gaming commission shall not be subject to the personnel cap referenced in subsection 1 of this section. If such agreement is subsequently terminated or modified to reduce the number of personnel used in such agreement, those members affected by such termination or modification shall not be subject to the personnel cap referenced in subsection 1 of this section for a period of [three] **five** years.

4. [Members] **Member positions** of the patrol [hired] **originally acquired** in conjunction with the community-oriented policing services federal grant or members assigned to fulfill the duties established in sections 43.350 to 43.380 shall not be subject to the personnel cap referenced in subsection 1 of this section.

5. Applicants shall not be discriminated against because of race, creed, color, national origin or sex.

43.090. [The board of public buildings shall provide suitable offices for general headquarters at Jefferson City, Missouri, which shall at all times be open and in charge of the superintendent, or some member of the patrol designated by him.] The superintendent[, with the consent and approval of the commission,] shall employ such clerical force, radio operators, and other subordinates, and shall provide such office equipment, stationery, postage supplies, [telegraph] **communication** and telephone facilities as he **or she** shall deem necessary **for general headquarters located at Jefferson City, Missouri**, and shall also provide offices, equipment, stationery, postage, clerical force, **communication, telephone,** and other subordinates for the headquarters of each [district] **troop or division** of the patrol. The state highway patrol [radio network] **communications division** shall be under the control of and at the service of the superintendent for such regular and emergency [bulletins] **communications,** and service as the superintendent may require [from time to time].

43.220. Neither the governor[, the commission,] nor the superintendent shall have any power, right or authority to command, order or direct any member of the patrol to perform any duty or service not authorized [by this chapter] **under state statute**.

43.530. **1.** For each request requiring the payment of a fee received by the central repository, the requesting entity shall pay a fee of not more than [five] **nine** dollars per request for criminal history record information not based on a fingerprint search [when the requesting entity is required to obtain such information by any provision of state or federal law and pay a fee of not more than fourteen dollars per request for criminal history record information based on a fingerprint search when the requesting entity is required to obtain such information by any provision of state or federal law; provided that, when the requesting entity is not required to obtain such information by law, the requesting entity shall pay a fee of not more than ten dollars per request for criminal history record information not based on a fingerprint search and] **. In each year beginning on or after January 1, 2010, the superintendent may increase the fee paid by requesting entities by an amount not to exceed one dollar per year, however, under no circumstance shall the fee paid by requesting entities exceed fifteen dollars per request.**

**2. For each request requiring the payment of a fee received by the central repository, the requesting entity shall** pay a fee of not more than twenty dollars per request for criminal history record information based on a fingerprint search[. Each such] **, unless the request is required under the provisions of subdivision (6) of section 210.481, RSMo, section 210.487, RSMo, or section 571.101, RSMo, in which case, the fee shall be fourteen dollars.**

**3. A** request **made under subsections 1 and 2 of this section** shall be limited to check and search on one individual. Each request shall be accompanied by a check, warrant, voucher, money order, or electronic payment payable to the state of Missouri-criminal record system or payment shall be made in a manner approved by the highway patrol. The highway patrol may establish procedures for receiving requests for criminal history record information for classification and search for fingerprints, from courts and other entities, and for the payment of such requests. There is hereby established by the treasurer of the state of Missouri a fund to be entitled as the "Criminal Record System Fund". Notwithstanding the provisions of section 33.080, RSMo, to the contrary, if the moneys collected and deposited into this fund are not totally expended annually for the purposes set forth in sections 43.500 to 43.543, the unexpended moneys in such fund shall remain in the fund and the balance shall be kept in the fund to accumulate from year to year.

**43.546. 1. Any state agency, board, or commission may require the fingerprinting of applicants in specified occupations or appointments within the state agency, board, or commission for the purpose of positive identification and receiving criminal history record information when determining an applicant's ability or fitness to serve in such occupation or appointment.**

**2. In order to facilitate the criminal background check under subsection 1 of this section on any person employed or appointed by a state agency, board, or commission, and in accordance with section 43.543, the applicant or employee shall submit a set of fingerprints collected under the standards determined by the Missouri highway patrol. The fingerprints and accompanying fees, unless otherwise arranged, shall be forwarded to the highway patrol to be used to search the state criminal history repository and the fingerprints shall be forwarded to the Federal Bureau of Investigations for a national criminal background check. Notwithstanding the provisions of section 610.120, RSMo, all records related to any criminal history information discovered shall be accessible and available to the state agency making the request.**

**43.547. 1. The Missouri state highway patrol, at the direction of the governor, shall conduct name or fingerprint background investigations of gubernatorial appointees. The governor's directive shall state whether the background investigation shall be a name background investigation or a fingerprint background investigation. In addition, the patrol may, at the governor's direction, conduct other appropriate investigations to determine if an applicant or appointee is in compliance with section 105.262, RSMo, and other necessary inquiries to determine the person's suitability for positions of public trust.**

**2. In order to facilitate the fingerprint background investigation under subsection 1 of this section, and in accordance with the provisions of section 43.543, the appointee shall submit a set of fingerprints collected under the standards determined by the Missouri highway patrol. The fingerprints and accompanying fees, unless otherwise arranged, shall be forwarded to the highway patrol to be used to search the state criminal history repository and the fingerprints shall be forwarded to the Federal Bureau of Investigations for a national criminal background check. Any background investigation conducted at the direction of the governor under subsection 1 of this section may include criminal history record information and other source information obtained by the highway patrol.**"; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HB 134**, entitled:

An act to repeal section 172.287, RSMo, and to enact in lieu thereof one new section relating to equipment grants for engineering programs.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 221**.

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 255**, entitled:

An act to repeal sections 3.070, 8.110, 8.120, 8.180, 8.200, 8.250, 8.255, 8.260, 8.291, 8.294, 8.310, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.800, 8.830, 8.843, 26.220, 26.225, 27.095, 27.100, 28.305, 28.310, 29.405, 29.410, 30.505, 30.510, 33.710, 34.010, 34.031, 34.032, 34.040, 34.042, 34.044, 34.065, 34.130, 37.005, 37.010, 37.452, 44.237, 217.575, 251.240, 253.320, 253.510, 261.010, 311.650, 313.210, 320.260, 334.125, 361.010, and 630.525, RSMo, and to enact in lieu thereof fifty-four new sections relating to the office of administration, with an emergency clause.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3 and Senate Amendment No. 4.

*Senate Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 255, Page 16, Section 26.225, Line 8, by inserting after all of said line the following:

"**4. Under no circumstances shall more than one transition office be established under the provisions of this section.**"; and

Further amend said bill, Page 17, Section 27.100, Line 7, by inserting after all of said line the following:

"**4. Under no circumstances shall more than one transition office be established under the provisions of this section.**"; and

Further amend said bill, Page 18, Section 28.310, Line 6, by inserting after all of said line the following:

"**4. Under no circumstances shall more than one transition office be established under the provisions of this section.**"; and

Further amend said bill, Page 19, Section 29.410, Line 5, by inserting after all of said line the following:

"**4. Under no circumstances shall more than one transition office be established under the provisions of this section.**"; and

Further amend said bill, Page 20, Section 30.510, Line 4, by inserting after all of said line the following:

"**4. Under no circumstances shall more than one transition office be established under the provisions of this section.**".

*Senate Amendment No. 2*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 255, Page 53, Section 261.010, Line 24 of said page, by inserting after all of said line the following:

"285.025. 1. The state of Missouri hereby proclaims that no employer who employs illegal aliens shall be eligible for any state-administered or subsidized tax credit, tax abatement or loan from this state**, and that no one shall employ or subcontract with any illegal alien on any publicly financed project**. The director of each agency administering or subsidizing a tax credit, tax abatement or loan pursuant to chapter 32, 100, 135, 253, 447 or 620, RSMo, shall place in such agency's criteria for eligibility for such credit, abatement, exemption or loan a signed statement of affirmation by the applicant that such applicant employs no illegal aliens. Any individual, individual proprietorship, corporation, partnership, firm or association that is found by the director of the agency administering the program to have negligently employed an illegal alien in this state shall be ineligible for any state-administered or subsidized tax credit,

tax abatement or loan pursuant to chapter 32, 100, 135, 253, 447 or 620, RSMo, for five years following such determination; provided, however, that the director of the agency administering such credit, abatement, exemption or loan may, in the director's discretion, elect not to apply such administrative action for a first-time occurrence. Any person, corporation, partnership or other legal entity that is found to be ineligible for a state-administered or subsidized tax credit, tax abatement, or loan pursuant to this subsection may make an appeal with the administrative hearing commission pursuant to the provisions of chapter 621, RSMo. "Negligent", for the purposes of this subsection means that a person has failed to take the steps necessary to comply with the requirements of 8 U.S.C. 1324a with respect to the examination of an appropriate document or documents to verify whether the individual is an unauthorized alien.

2. Beginning August 28, 1999, any individual, individual proprietorship, corporation, partnership, firm or association that knowingly accepts any state-administered or subsidized tax credit, tax abatement or loan in violation of subsection 1 of this section shall upon conviction be guilty of a class A misdemeanor, and such action may be brought by the attorney general in Cole County circuit court. **Beginning August 28, 2007, in addition to all other penalties in this section, violators of this section shall be fined ten dollars per individual illegal alien per day during which each individual illegal alien was employed or subcontracted with, and the violator shall not be eligible to bid on any publicly financed project submitted for bids for the five years immediately following the last violation.**"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 3*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 255, Page 55, Section 630.525, Line 18 of said page, by inserting after all of said line the following:

"**Section 1. There is hereby established in the state treasury the "Pharmacy Rebate Fund", and the "MoRx Pharmacy Rebate Fund". Any revenues received by the state, either directly or indirectly, from pharmaceutical manufacturer rebates as required by federal law or state supplemental rebates as defined in state plan amendments shall be deposited in the pharmacy rebate fund and shall be used only in the Medicaid pharmacy program or its successor programs authorized by Title XIX, Public Law 89-87, 1965 amendments to the federal Social Security Act, 42 U.S.C. Section 301, et seq. Any state rebates obtained in conjunction with the MoRx program shall be deposited in the MoRx pharmacy rebate fund and shall only be used for the MoRx pharmacy program.**"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 4*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 255, Page 55, Section 630.525, Line 7, by inserting immediately before said section:

"414.410. 1. The director shall develop a motor vehicle alternative fuel use plan. The director shall cooperate with state agency fleet operators, vehicle manufacturers and converters, fuel distributors and others to identify the types of vehicles which could be converted to **use** alternative fuels. The director shall consider range, specialty uses, fuel availability, vehicle cost, vehicle manufacturing and conversion capability, safety, resale values, and other relevant factors.

2. The department shall recommend alternative fuels which state agencies and state universities may consider when purchasing vehicles. The department shall consider the content of vehicle exhaust emissions, the relative efficiency of the fuel, the relative efficiency of the processes required to produce the fuel and the characteristics of air emissions associated with the production of that fuel. It shall recommend for state use those alternative fuels which best satisfy the goals of energy conservation and emissions reduction.

3. **At least seventy percent of vehicle fleet acquisitions by** any state agency which operates a fleet of more than fifteen motor vehicles shall **be** [acquire vehicles] capable of using alternative fuels [as follows:

(1) At least ten percent of the agency's fleet vehicles acquired between July 1, 1994, and July 1, 1996;

(2) At least thirty percent of the agency's fleet vehicles acquired between July 1, 1996, and July 1, 1998; and

(3) At least fifty percent of the agency's fleet vehicles acquired between July 1, 1998, and July 1, 2000, and each biennial period thereafter.

If a state agency exceeds any such biennial acquisition goal, or has purchased vehicles capable of using alternative fuels before July l, 1994, such purchases may be credited to any future biennial acquisition goal.**]** If a state agency has purchased vehicles capable of using alternative fuels but not included in their vehicle fleet as defined in subsection 1 of section 414.400, such purchases may be credited toward any **[**biennial**]** acquisition goal. If a state agency fails to meet **its [**a biennial**]** acquisition goal, the commissioner of administration shall not authorize for such agency the purchase of any vehicle not capable of using alternative fuels until such acquisition goal is met, unless the director has reduced or waived the acquisition goal pursuant to subsection 1 of section 414.412."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 272**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 SCS HCS HBs 444, 217, 225, 239, 243, 297, 402 & 172**, entitled:

An act to repeal sections 143.121, 143.124, and 143.431, RSMo, and to enact in lieu thereof five new sections relating to income taxation.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 461**.

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 HB 744**, entitled:

An act to repeal sections 43.010, 43.030, 43.050, 43.090, 43.110, 43.120, 43.140, 43.210, 43.220, 43.530, 226.527, 226.530, 226.580, 227.107, 238.202, 238.207, 238.208, 238.210, 238.225, 238.230, 238.275, 301.010, 301.030, 301.130, 301.131, 301.140, 301.142, 301.144, 301.150, 301.170, 301.177, 301.200, 301.218, 301.221, 301.225, 301.229, 301.280, 301.301, 301.310, 301.420, 301.440, 301.444, 301.550, 301.560, 301.567, 301.570, 301.640, 301.716, 302.010, 302.272, 302.275, 302.321, 302.545, 302.700, 302.720, 302.755, 302.775, 303.415, 304.015, 304.022, 304.070, 304.170, 304.180, 304.230, 304.281, 306.015, 306.016, 306.535, 307.010, 307.015, 307.090, 307.100, 307.120, 307.125, 307.155, 307.172, 307.173, 307.179, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 311.326, 390.030, 390.071, 390.136, 407.815, 556.021, 577.029, 577.039, and 622.095, RSMo, and section 301.190 as enacted by house committee substitute for senate substitute no. 2 for senate committee substitute for senate bill no. 583, ninety-third general assembly, second regular session, section 301.190 as enacted by senate substitute for senate committee substitute for house bill no. 487 merged with senate bill no. 488, ninety-third general assembly, first regular session, section 301.566 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1288, ninety-second general assembly, second regular session, and section 301.566 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, and to enact in lieu thereof one hundred twenty-three new sections relating to transportation, with penalty provisions, an effective date for certain sections, and an emergency clause for certain sections.

With Senate Amendment No. 1, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 8, Senate Amendment No. 9, Senate Amendment No. 10, Senate Amendment No. 11, Senate Amendment No. 12, Senate Amendment No. 13, Senate Amendment No. 14 and Senate Amendment No. 15.

*Senate Amendment No. 1*

AMEND Senate Substitute for House Bill No. 744, Page 58, Section 301.010, Line 15 of said page, by inserting after all of said line the following:

"301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing:

(1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010;

(2) The name, the applicant's identification number and address of the owner of such motor vehicle or trailer;

(3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or trailer.

2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010 and if such vehicle is five years of age or less, the director of revenue shall **[**retain**]** **obtain** the odometer information **[**provided in the vehicle inspection report**]** **in a manner prescribed by rule**, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This section shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1989; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a recreational motor vehicle, motorcycle, motortricycle, bus or any commercial motor vehicle licensed for over twelve thousand pounds and if such motor vehicle is five years of age or less, the director of revenue shall **[**retain**]** **obtain** the odometer information **[**provided in the vehicle inspection report**]** **in a manner prescribed by rule**, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This subsection shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1990; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, or prior salvage as referenced in section 301.573, the owner or lienholder shall surrender the certificate of ownership. The owner shall make an application for a new certificate of ownership, pay the required title fee, and obtain the vehicle examination certificate required pursuant to subsection 9 of section 301.190. If an insurance company which pays a claim on a salvage vehicle as defined in section 301.010 and the insured is retaining ownership of the vehicle, as prior salvage, the vehicle shall only be required to meet the examination requirements under and pursuant to subsection 10 of section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate of ownership for all major component parts installed on the vehicle and invoices for all essential parts which are not defined as major component parts shall accompany the application for a new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle.

5. Every insurance company which pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 or which pays a claim on a salvage vehicle as defined in section 301.010 and the insured is retaining ownership of the vehicle, shall in writing notify the claimant, if he is the owner of the vehicle, and the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 4 of this section to obtain a prior salvage motor vehicle certificate of ownership or documents and fees as otherwise required by law to obtain a salvage certificate of ownership, from the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such claimant, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss and payment.

6. Anyone who fails to comply with the requirements of this section shall be guilty of a class B misdemeanor.

7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 192.935, RSMo. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 192.935, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

8. An applicant for registration may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund as established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection."; and

Further amend said bill, Page 88, Section 301.144, Line 28 of said page, by inserting after all of said line the following:

"301.147. 1. Notwithstanding the provisions of section 301.020 to the contrary, beginning July 1, 2000, the director of revenue may provide owners of motor vehicles, other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight, the option of biennially registering motor vehicles. Any vehicle manufactured as an even-numbered model year vehicle shall be renewed each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be renewed each odd-numbered calendar year, subject to the following requirements:

(1) The fee collected at the time of biennial registration shall include the annual registration fee plus a pro rata amount for the additional twelve months of the biennial registration;

(2) Presentation of all documentation otherwise required by law for vehicle registration including, but not limited to, a personal property tax receipt or certified statement for the preceding year that no such taxes were due as set forth in section 301.025, **and** proof of **[**a**]** **any applicable** motor vehicle safety inspection and any applicable emission inspection conducted within sixty days prior to the date of application and proof of insurance as required by section 303.026, RSMo. **If a motor vehicle owner is exempt from submitting proof of a motor vehicle safety inspection under the provisions of section 307.357, RSMo, then the motor vehicle owner shall submit an affidavit stating that the motor vehicle has fewer than one hundred thousand miles.**

2. The director of revenue may prescribe rules and regulations for the effective administration of this section. The director is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, 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 July 1, 2000, shall be invalid and void.

3. The director of revenue shall have the authority to stagger the registration period of motor vehicles other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight. Once the owner of a motor vehicle chooses the option of biennial registration, such registration must be maintained for the full twenty-four month period."; and

Further amend said bill, Page 229, Section 307.173, Line 4 of said page, by inserting after all of said line the following:

"307.178. 1. As used in this section, the term "passenger car" means every motor vehicle designed for carrying ten persons or less and used for the transportation of persons; except that, the term "passenger car" shall not include motorcycles, motorized bicycles, **or** motor tricycles[, and trucks with a licensed gross weight of twelve thousand pounds or more].

2. Each driver[, except persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles,] and [front seat] passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this state, and persons [less than eighteen years of age] operating or riding in a truck, as defined in section 301.010, RSMo, on a street or highway of this state shall wear a properly adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act requirements. [No person shall be stopped, inspected, or detained solely to determine compliance with this subsection.] The provisions of this section and section 307.179 shall not be applicable to [persons] **any person** who [have] **possesses documentation from a physician that such person has** a medical reason for failing to have a seat belt fastened about their body[, nor shall] **. No person shall be found guilty of violating this section or section 307.179 if such person demonstrates that he or she has a medical reason for failing to have a seat belt fastened about their body.** The provisions of this section **shall not** be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. Noncompliance with this subsection shall not constitute probable cause for violation of any other provision of law. The provisions of this subsection shall not apply to the transporting of children under sixteen years of age, as provided in section 307.179. **Persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles are exempt from the provisions of this subsection.**

3. Each driver of a motor vehicle transporting a child less than sixteen years of age shall secure the child in a properly adjusted and fastened restraint under section 307.179.

4. In any action to recover damages arising out of the ownership, common maintenance or operation of a motor vehicle, failure to wear a safety belt in violation of this section shall not be considered evidence of comparative negligence. Failure to wear a safety belt in violation of this section may be admitted to mitigate damages, but only under the following circumstances:

(1) Parties seeking to introduce evidence of the failure to wear a safety belt in violation of this section must first introduce expert evidence proving that a failure to wear a safety belt contributed to the injuries claimed by plaintiff;

(2) If the evidence supports such a finding, the trier of fact may find that the plaintiff's failure to wear a safety belt in violation of this section contributed to the plaintiff's claimed injuries, and may reduce the amount of the plaintiff's recovery by an amount not to exceed one percent of the damages awarded after any reductions for comparative negligence.

5. Except as otherwise provided for in section 307.179, each person who violates the provisions of subsection 2 of this section is guilty of an infraction for which a fine not to exceed ten dollars may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this section. In no case shall points be assessed against any person, pursuant to section 302.302, RSMo, for a violation of this section.

6. The state highways and transportation commission shall initiate and develop a program of public information to develop understanding of, and ensure compliance with, the provisions of this section. The commission shall evaluate the effectiveness of this section and shall include a report of its findings in the annual evaluation report on its highway safety plan that it submits to NHTSA and FHWA pursuant to 23 U.S.C. 402.

7. If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the passengers who are unable to wear seat belts **because all existing seat belts are in use** shall sit [in the area] **on the seats** behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area. The passenger or passengers occupying a seat location referred to in this subsection is not in violation of this section. This subsection shall

not apply to passengers who are accompanying a driver of a motor vehicle who is licensed under section 302.178, RSMo."; and

Further amend said bill, Page 232, Section 307.198, Line 24 of said page, by inserting after all of said line the following:

"**307.357. 1. Notwithstanding sections 307.350 to 307.390, a motor vehicle owner may renew or reregister the registration plates on a motor vehicle that is otherwise required to be inspected if such vehicle has fewer than one hundred thousand miles, as evidenced by the odometer, without submitting such vehicle to a biennial motor vehicle safety inspection.**

**2. In order to qualify for the exemption set forth in subsection 1 of this section, the owner of such a vehicle shall submit to the director an affidavit, sworn to under the penalty of perjury, stating that the motor vehicle has fewer than one hundred thousand miles.**

**3. The provisions of this section shall not exempt a person from submitting such a motor vehicle to a motor vehicle safety inspection for purposes of initially registering and titling such a vehicle, transferring ownership, or when a motor vehicle safety inspection is otherwise required by law.**"; and

Further amend said bill, Page 275, Section 577.039, Line 15 of said page, by inserting after all of said line the following:

"643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which are domiciled, registered or primarily operated in an area for which the commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 shall be inspected and approved prior to sale or transfer; provided that, if such vehicle is inspected and approved prior to sale or transfer, such vehicle shall not be subject to another emissions inspection for ninety days after the date of sale or transfer of such vehicle. In addition, any such vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles subject to the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when applicable, a valid emissions inspection certificate shall be presented at the time of registration or registration renewal of such motor vehicle. The department of revenue shall require evidence of **[**the**]any applicable motor vehicle** safety **inspection** and emission inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.390, RSMo, and sections 643.300 to 643.355. The director of revenue may verify that a successful safety and emissions inspection was completed via electronic means.

2. The inspection requirement of subsection 1 of this section shall apply to all motor vehicles except:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles if such vehicles are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(3) Model year vehicles manufactured prior to 1996;

(4) Vehicles which are powered exclusively by electric or hydrogen power or by fuels other than gasoline which are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(5) Motor vehicles registered in an area subject to the inspection requirements of sections 643.300 to 643.355 which are domiciled and operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355, but only if the owner of such vehicle presents to the department an affidavit that the vehicle will be operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355 for the next twenty-four months, and the owner applies for and receives a waiver which shall be presented at the time of registration or registration renewal;

(6) New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two years of such calendar year, which have an odometer reading of less than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user;

(7) Historic motor vehicles registered pursuant to section 301.131, RSMo;

(8) School buses;

(9) Heavy-duty diesel-powered vehicles with a gross vehicle weight rating in excess of eight thousand five hundred pounds;

(10) New motor vehicles that have not been previously titled and registered, for the four-year period following their model year of manufacture[, provided the odometer reading for such motor vehicles are under forty thousand miles at their first required biennial safety inspection conducted under sections 307.350 to 307.390, RSMo; otherwise such motor vehicles shall be subject to the emissions inspection requirements of subsection 1 of this section during the same period that the biennial safety inspection is conducted]; and

(11) Motor vehicles that are driven fewer than twelve thousand miles [between biennial safety inspections] **on a biennial basis**.

3. The commission may, by rule, allow inspection reciprocity with other states having equivalent or more stringent testing and waiver requirements than those established pursuant to sections 643.300 to 643.355.

4. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of sections 643.300 to 643.355 either:

(a) With prior inspection and approval as provided in subdivision (2) of this subsection; or

(b) Without prior inspection and approval as provided in subdivision (3) of this subsection.

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established pursuant to sections 643.300 to 643.355 or by obtaining a waiver pursuant to section 643.335. A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the one hundred twenty days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within ten days of the date of purchase, provided that the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within ten days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or enter into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required pursuant to sections 643.300 to 643.360 for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380, RSMo."; and

Further amend said bill, Page 280, Section D, Line 4 of said page, by inserting after all of said line the following:

"Section E. The enactment of section 307.357 and the repeal and reenactment of sections 301.020, 301.147, 307.350, and 643.315 shall become effective January 1, 2008."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 3*

AMEND Senate Substitute for House Bill No. 744, Page 111, Section 301.280, Line 5, by striking the opening bracket "**[**"; and

Further amend said bill, Page 111, Section 301.280, Line 6, by striking the following:

"**] may**"; and

Further amend said bill, Page 111, Section 301.280, Line 11, by striking the opening bracket "**[**"; and

Further amend said bill, Page 111, Section 301.280, Line 14, by striking the closing bracket "**]**".

*Senate Amendment No. 4*

AMEND Senate Substitute for House Bill No. 744, Page 61, Section 301.037, Lines 9-24 of said page, by striking all of said section from the bill; and

Further amend said bill, Page 266, Section 390.030, Line 10 of said page, by inserting an opening bracket "**[**" immediately before the word "and" at the beginning of said line; and

Further amend Line 11 of said page, by inserting a closing bracket "**]**" after "vehicles,"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 5*

AMEND Senate Substitute for House Bill No. 744, Page 61, Section 301.037, Line 24 of said page, by inserting immediately after said line the following:

"301.040. The director of revenue shall notify each registered motor vehicle owner by mail, at the last known address, within an appropriate period prior to the beginning of the registration period to which he has been assigned, of the date for reregistration. Such notice shall include an application blank for registration and shall specify the amount of license fees due and the registration period covered by such license. **No commercial inserts or other forms of advertising shall accompany the notice.** Application blanks shall also be furnished all branch offices of the department of revenue and license fee offices designated by the director of revenue under the provisions of section 136.055, RSMo, where they shall be made available to any person upon request. Failure of the owner to receive such notice shall not relieve the owner of the requirement to register pursuant to this chapter."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 6*

AMEND Senate Substitute for House Bill No. 744, Page 73 , Section 301.140, Lines 17-18 of said page, by striking the following:

"No refunds shall be made on the unused portion of any license plates surrendered for such credit."; and inserting in lieu thereof the following:

"**If a motor vehicle is sold and is not being replaced, then any unused portion of the original registration fee, provided such unused portion is in an amount of five dollars or greater, may be refunded upon surrender of the license plates. Such refund shall be granted based upon the date the license plates are surrendered.**".

*Senate Amendment No. 7*

AMEND Senate Substitute for House Bill No. 744, Page 260, Section 387.075, Line 26, by inserting after all of said line the following:

"**388.700. Sections 388.700 to 388.745 shall be known as "The Regional Railroad Authorities Act." As used in sections 388.700 to 388.745, unless the context clearly requires otherwise, the following words and terms shall mean:**

**(1) "Authority", "railroad authority", or "regional railroad authority", a regional railroad authority organized and operated as a political subdivision under sections 388.700 to 388.745;**

**(2) "Common carrier", a railroad engaged in transportation for hire;**

**(3) "Commissioners", the commissioners of the regional railroad authority;**

**(4) "Project", any railroad facilities proposed to be acquired, constructed, improved, or refinanced by an authority, including any real or personal property, structures, machinery, equipment, and appurtenances determined by the authority to be useful or convenient for railroad operations and handling passengers or freight;**

**(5) "Railroad", any form of nonhighway ground transportation that runs on rails or electromagnetic guideways. The term "railroad" shall also have the meaning associated to it in 49 U.S.C. Section 20102, as amended;**

**(6) "Railroad properties and facilities", any real or personal property or interest in such property which is owned, leased or otherwise controlled by a railroad or other person, including an authority, and which are used or are useful in rail transportation service, including:**

**(a) Track, roadbed and related structures, including rail, ties, ballast, other track materials, grading, tunnels, bridges, tressels, culverts, elevated structures, stations, office buildings used for operating purposes only, repair shops, engine houses and public improvements used or usable for rail service operation;**

**(b) Communication and power transmission systems for use by railroads;**

**(c) Signals, including signals and interlockers;**

**(d) Terminal or yard facilities and services to express company and railroads and their shippers, including ferries, tugs, car floats and related shoreside facilities designed for the transportation of equipment by water;**

**(e) Shop or repair facilities or any other property used or capable of being used in rail freight transportation services or in connection with such services or for originating, terminating, improving and expediting the movement of equipment or goods;**

**(6) "Real property", lands, structures, improvements thereof, and water and riparian rights, and any and all interests and estates therein, legal or equitable, including but not limited to easements, rights-of-way, uses, leases, and licenses.**

**388.703. The purpose of an authority established and operated under sections 388.700 to 388.745 is to provide for the preservation, improvement, and the continuation of rail service for agriculture, industry, or passenger traffic and to provide for the preservation of railroad right-of-way for transportation uses, when determined to be practicable and necessary for the public welfare. The acquisition of real property under sections 388.700 to 388.745; the planning, acquisition, establishment, construction, improvement, maintenance, equipment, operation, regulation, and protection of authority facilities; and the exercise of powers granted to authorities and other public agencies to be severally or jointly exercised are public and governmental functions, exercised for public purpose, and matters of public necessity. All real property and other property acquired and used by or on behalf of an authority or other public agency, as provided in sections 388.700 to 388.745, shall be used for public and governmental purposes and as a matter of public necessity.**

**388.706. 1. Every municipality or county within this state is authorized to form a regional railroad authority under the provisions of this section.**

**2. A regional railroad authority may be organized by resolution or joint resolution adopted by the governing body or bodies of one or more counties. The governing body or bodies of a municipality or municipalities within a county or counties may request by resolution that the county or counties organize a railroad authority. If the county or counties do not organize an authority within ninety days of receipt of the request, the municipality or municipalities may organize an authority by resolution or joint resolution. A resolution organizing an authority shall state:**

**(1) That the authority is organized under the provisions of sections 388.700 to 388.745 as a political subdivision of Missouri;**

**(2) The proposed name of the authority, including the words "regional railroad authority";**

**(3) The county, counties, municipality or municipalities adopting the organization resolution;**

**(4) The number of commissioners of the authority, not less than five; the number to be appointed by the governing body of each county or municipality; and the names and addresses of the board of commissioners;**

**(5) The city and county in which the registered office of the authority is to be situated;**

**(6) That neither the state of Missouri, the municipality or municipalities, nor any other political subdivision is liable for obligations of the authority; and**

**(7) Any other provision for regulating the business of the authority determined by the governing body or bodies adopting the resolution.**

**388.709. Before final adoption of an organization resolution, the governing body of each county or municipality named in it shall provide for a public hearing upon notice published in a newspaper of general circulation in the county or municipality. The notice of a hearing by the governing body of a county shall be mailed to the governing body of each municipality in the county, except municipalities participating in the organization, at least thirty days before the hearing. The hearing may be adjourned from time to time, to a time and place publicly announced at the hearing, or to a time and place fixed by notice published in a newspaper of general circulation in the county or municipality at least ten days before the adjourned session. Joint hearing sessions may be held by the governing bodies of all counties or municipalities named, at any convenient public place within any of the counties or municipalities. The resolution may be amended by the governing body or bodies at or after any hearing session at which the amended resolution is proposed and made available to interested citizens. It shall not become effective until adopted in identical form by the governing bodies of all counties or municipalities named in the resolution.**

**388.712. Upon the appointment and qualification of the commissioners first appointed to a regional railroad authority under section 388.715, the commissioners shall submit to the secretary of state a certified copy of each resolution adopted pursuant to section 388.706. A copy of the organization resolution, certified by the recording officer of each municipality or county adopting it, shall be filed with the secretary of state, who shall issue a certificate of incorporation if the resolution conforms to the requirements of this section, stating in the certificate the name of the authority and the date of its incorporation, which shall be the date of acceptance for filing. The certificate of incorporation shall be conclusive evidence of the valid organization and existence of the authority.**

**388.715. 1. All powers granted to an authority shall be exercised by its board of commissioners. Commissioners shall be appointed and vacancies in their office shall be filled by the governing body of each county or municipality named in the organization resolution, in accordance with the provisions of that resolution. The term of each commissioner shall be one year, or the remainder of the one year term for which a vacancy is filled, and until a successor is appointed. Commissioners shall receive no compensation for services but shall be reimbursed for necessary expenses incurred in the performance of their duties.**

**2. The board of commissioners shall by resolution establish the time and place or places of its regular meetings and the method and notice required for calling special meetings, all of which shall be open to the public. A majority of the commissioners being present at a meeting, any action may be taken by resolution or motion adopted by recorded vote of a majority of those present, unless a larger majority is required by bylaws adopted by the board.**

**3. The board of commissioners shall appoint a chair, vice-chair, secretary, and treasurer from its members, each to serve for a term of one year and until a successor is appointed. The offices of secretary and treasurer may be combined, and deputies or assistants may be appointed for either office or the combined office, from members of the board or otherwise. The powers and duties of each office shall be determined by the board, which shall require and pay for a surety bond for each officer handling funds. The board shall provide for the keeping of a full and accurate record of all proceedings and of resolutions, regulations, and orders issued or adopted. The state auditor shall annually audit the books of said regional railroad authority.**

**388.718. An authority may exercise all the powers necessary or desirable to implement the powers specifically granted in sections 388.700 to 388.745, and in exercising the powers is deemed to be performing an essential governmental as a political subdivision of the state. Without limiting the generality of the foregoing, the authority may:**

**(1) Sue and be sued, have a seal, and have perpetual succession;**

**(2) Execute contracts and other instruments and take other action as may be necessary to carry out the purposes of sections 388.700 to 388.745;**

**(3) Receive and disburse federal, state, and other funds, public or private, made available by grant, loan, contribution, tax levy, or other source to accomplish the purposes of sections 388.700 to 388.745. Federal money accepted under this section shall be accepted and spent by the authority upon terms and conditions prescribed**

**by the United States and consistent with state law. All state money accepted under this section shall be accepted and spent by the authority upon terms and conditions prescribed by the state.**

**(4) Sell, lease, or otherwise dispose of real or personal property acquired under sections 388.700 to 388.745. The disposal must be in accordance with the laws of this state governing the disposition of other public property.**

**388.721. 1. The authority may plan, establish, acquire, develop, construct, purchase, enlarge, extend, improve, maintain, equip, operate, regulate, and protect railroads, railroad properties and railroad facilities within its boundaries, including but not limited to terminal buildings, roadways, crossings, bridges, causeways, tunnels, equipment, and rolling stock.**

**2. The authority may apply to any public agency for permits, consents, authorizations, and approvals required for any project and take all actions necessary to comply with their conditions.**

**388.724. The authority may exercise the power of eminent domain under chapter 523, RSMo, except that it shall have no power of eminent domain with respect to property owned by another authority or political subdivision of Missouri or any other state, or with respect to property owned or used by a railroad corporation unless the federal Surface Transportation Board or a successor agency, if any, or another authority with power to make the finding, has found that the public convenience and necessity permit discontinuance of rail service on the property. All property taken for the exercise of the powers granted herein is declared to be taken for a public governmental purpose and as a matter of public necessity.**

**388.727. The state of Missouri and any political subdivision or municipal corporation thereof may in its discretion, with or without consideration, transfer or cause to be transferred to any regional railroad authority or may place in its possession or control, by lease or other contract or agreement, either for a limited period or in fee, any property within a regional railroad authority district or any property wherever situated. Nothing in this section, however, shall in any way impair, alter or change any obligations, contractual or otherwise, heretofore entered into by said entities.**

**388.730. The authority may establish charges and rentals for the use, sale, and availability of its property and service and may hold, use, dispose of, invest, and reinvest the income, revenues, and funds derived therefrom. Subject to any agreement with bondholders, it may invest money not required for immediate use, including bond proceeds, in the securities it shall deem prudent, notwithstanding the provisions of any other law relating to the investment of public funds.**

**388.733. The authority shall be subject to tort liability to the extent provided in chapter 537, RSMo, and may procure insurance against the liability, and may indemnify and purchase and maintain insurance on behalf of any of its commissioners, officers, employees, or agents. It may also procure insurance against loss of or damage to property in the amounts, by reason of the risks, and from the insurers as it deems prudent.**

**388.736. The state may make grants to a regional railroad authority, as appropriated by the general assembly, to be allocated by the department of transportation to regional railroad authorities. The authority may accept, contract for, and receive and disburse federal, state, and other funds or property, public or private, made available by grant, loan, or lease, to be used in the exercise of any of its powers, and may comply with the terms and conditions of the grant or loan.**

**388.739. 1. Every regional railroad authority, organized under the provisions of sections 388.700 to 388.745, may from time to time issue its negotiable revenue bonds or notes in such principal amounts as, in its opinion, shall be necessary to provide sufficient funds for achieving its purposes, including the construction, establishment, acquisition, improvement, maintenance, protection and regulation of railroads and railroad facilities, that may be necessary to carry out the provisions of sections 388.700 to 388.745.**

**2. The state shall not be liable on any notes or bonds of any regional railroad authority. Any such notes or bonds shall not be a debt of the state and shall contain on the faces thereof a statement to such effect.**

**3. No commissioner of any regional railroad authority or any authorized person executing authority notes or bonds shall be liable personally on said notes or bonds or shall be subject to any personal liability or accountability by reason of the issuance thereof.**

**4. No authority shall be required to pay any taxes or any assessments whatsoever to this state or to any political subdivisions, municipality or other governmental agency of this state. The notes and bonds of every authority and the income therefrom shall, at all times, be exempt from any taxes and any assessments, except for death and gift taxes and taxes on transfers.**

**5. Every authority shall have the powers and be governed by the procedures now or hereafter conferred upon or applicable to the environmental improvement authority, chapter 260, RSMo, relating to the manner of issuance of revenue bonds and notes, and the port authority shall exercise all such powers and adhere to all such procedures insofar as they are consistent with the necessary and proper undertaking of its purposes.**

**388.742. The authority may enter into contracts including leases with any person, firm, or corporation, for terms the authority may determine:**

**(1) Providing for the operation of any facilities on behalf of the authority, at the rate of compensation as may be determined;**

**(2) Leasing a rail line for operation by the lessee or any facility or space therein for other commercial purposes, at rentals as may be determined, but no person may be authorized to operate a rail line other than as a common carrier;**

**(3) Granting the privilege, for compensation as the authority shall determine, of supplying goods, commodities, services, or facilities along rail lines or in or upon other property; and**

**(4) Making available services furnished by the authority or its agents, at charges, rentals, or fees which shall be reasonable and uniform for the same class of privilege or service.**

**388.745. If, at any time, the governing body of any city or county that organized a regional railroad authority, votes, by majority, to dissolve a regional railroad authority, it shall be dissolved effective the date of the approval of dissolution by the highways and transportation commission of the state. In the event of dissolution of a regional railroad authority, all funds and other assets shall be distributed among the cities and counties, who were members, on a pro rata basis.**"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 8*

AMEND Senate Substitute for House Bill No. 744, Page 130, Section 301.560, Line 13, by inserting immediately after said line the following:

"**For purposes of this subsection, qualified transactions shall include the purchase of salvage titled vehicles by a licensed salvage dealer. A used motor vehicle dealer who also holds a salvage dealers license shall be allowed one additional plate or certificate number per fifty-unit qualified transactions annually. In order for salvage dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury, the dealer's number of purchases during the reporting period of July first of the immediately preceding year to June thirtieth of the present year.**".

*Senate Amendment No. 9*

AMEND Senate Substitute for House Bill No. 744, Page 245, Section 379.130, Lines 10-26 of said page, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 10*

AMEND Senate Substitute for House Bill No. 744, Page 275, Section 1, Line 23, by inserting immediately after said line the following:

"**Section 2. The director of the department of revenue shall include with the registration notice required by section 301.040, RSMo, a voter registration application form that conforms with the provisions of section 115.160, RSMo.**"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 11*

AMEND Senate Substitute for House Bill No. 744, Page 275, Section 577.039, Line 15 of said page, by inserting after all of said line the following:

"650.340. 1. The provisions of this section may be cited and shall be known as the "911 Training and Standards Act".

2. Initial training requirements for telecommunicators who answer 911 calls that come to public safety answering points shall be as follows:

(1) Police telecommunicator . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 16 hours;
(2) Fire telecommunicator . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 16 hours;
(3) Emergency medical services telecommunicator . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 16 hours;
(4) Joint communication center telecommunicator . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 40 hours.

3. All persons employed as a telecommunicator in this state shall be required to complete ongoing training so long as such person engages in the occupation as a telecommunicator. Such persons shall complete at least [sixteen] **twenty-four** hours of ongoing training every [two] **three** years by such persons or organizations as provided in subsection 6 of this section. **The reporting period for the ongoing training under this subsection shall run concurrent with the existing continuing education reporting periods for Missouri peace officers pursuant to chapter 590, RSMo**.

4. Any person employed as a telecommunicator on August 28, 1999, shall not be required to complete the training requirement as provided in subsection 2 of this section. Any person hired as a telecommunicator after August 28, 1999, shall complete the training requirements as provided in subsection 2 of this section within twelve months of the date such person is employed as a telecommunicator.

5. The training requirements as provided in subsection 2 of this section shall be waived for any person who furnishes proof to the committee that such person has completed training in another state which are at least as stringent as the training requirements of subsection 2 of this section.

6. The department of public safety shall determine by administrative rule the persons or organizations authorized to conduct the training as required by subsection 2 of this section.

7. This section shall not apply to an emergency medical dispatcher or agency as defined in section 190.100, RSMo, or a person trained by an entity accredited or certified under section 190.131, RSMo, or a person who provides prearrival medical instructions who works for an agency which meets the requirements set forth in section 190.134, RSMo."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 12*

AMEND Senate Substitute for House Bill No. 744, Page 275, Section 1, Line 23, by inserting immediately after said line the following:

"**Section 2. 1. An out-of-state show promoter of recreational vehicles, as that term is defined in section 700.010, RSMo, may hold recreational vehicle shows or exhibits with recreational vehicles within this state if the following conditions exist:**

**(1) The show or exhibition has a minimum of ten recreational vehicle dealers licensed as motor vehicle dealers in this state; and**

**(2) More than fifty percent of the participating recreational vehicle dealers are licensed motor vehicle dealers in this state.**

**2. A violation of subsection 1 of this section shall result in a five thousand dollar fine.**"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 13*

AMEND Senate Substitute for House Bill No. 744, Page 13, Section 43.547, Line 7, by inserting immediately after said line the following:

"94.660. 1. The governing body of any city not within a county and any county of the first classification having a charter form of government with a population of over nine hundred thousand inhabitants may propose, by ordinance or order, a transportation sales tax of up to one percent for submission to the voters of that city or county at an authorized election date selected by the governing body.

2. Any sales tax approved under this section shall be imposed on the receipts from the sale at retail of all tangible personal property or taxable services within the city or county adopting the tax, if such property and services are subject to taxation by the state of Missouri under sections 144.010 to 144.525, RSMo.

3. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county/city of . . . . . . . (county's or city's name) impose a county/city-wide sales tax of . . . . . . percent for the purpose of providing a source of funds for public transportation purposes?

☐ YES ☐ NO

Except as provided in subsection 4 of this section, if a majority of the votes cast in that county or city not within a county on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall go into effect on the first day of the next calendar quarter beginning after its adoption and notice to the director of revenue, but no sooner than thirty days after such adoption and notice. If a majority of the votes cast in that county or city not within a county by the qualified voters voting are opposed to the proposal, then the additional sales tax shall not be imposed in that county or city not within a county unless and until the governing body of that county or city not within a county shall have submitted another proposal to authorize the local option transportation sales tax authorized in this section, and such proposal is approved by a majority of the qualified voters voting on it. In no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal.

4. No tax shall go into effect under this section in any city not within a county or any county of the first classification having a charter form of government with a population over nine hundred thousand inhabitants unless and until both such city and such county approve the tax**.**

**5. The provisions of subsection 4 of this section requiring both the city and county to approve a transportation sales tax before a transportation sales tax may go into effect in either jurisdiction shall not apply to any transportation sales tax submitted to and approved by the voters in such city or such county on or after August 28, 2007.**

[5.] **6.** All sales taxes collected by the director of revenue under this section on behalf of any city or county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Public Transit Sales Tax Trust Fund". The sales taxes shall be collected as provided in section 32.087, RSMo. The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each city or county approving a sales tax under this section, and the records shall be open to inspection by officers of the city or county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax, and such funds shall be deposited with the treasurer of each such city or county and all expenditures of funds arising from the county public transit sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or city not within a county.

**[6.] 7.** The revenues derived from any transportation sales tax under this section shall be used only for the planning, development, acquisition, construction, maintenance and operation of public transit facilities and systems other than highways.

**[7.] 8.** The director of revenue may authorize the state treasurer to make refunds from the amount in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities or counties. If any city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 14*

AMEND Senate Substitute for House Bill No. 744, Page 53, Section 301.010, Line 22 of said page, by striking said line and inserting in lieu thereof the following:

"(a) [Has been] **Was** damaged **during a year that is no more than three years after the manufacturer's model year designation for such vehicle** to the extent that the total cost of"; and

Further amend Line 25 of said page, by striking "seventy-five" and inserting in lieu thereof the following:

"**eighty**"; and

Further amend said bill and section, Page 54, Line 5 of said page, by striking the following:

"for loss due to damage or theft"; and

Further amend Line 11 of said page, by inserting after "replacing," the following:

"**or damage as a result of hail,**".

*Senate Amendment No. 15*

AMEND Senate Substitute for House Bill No. 744, Page 270, Section 390.372, Line 25 of said page, by inserting immediately after said line the following:

"407.730. As used in sections 407.730 to 407.748, the following terms mean:

(1) "Advertisement", oral, written, graphic or pictorial statements made in the course of solicitation of business including, without limitation, any statement or representation made in a newspaper, magazine, the car rental company's proprietary web site, or other publication, or contained in any notice, sign, poster, display, circular, pamphlet, or letter which may collectively be called "print advertisements", or on radio or television, which may be referred to as "broadcast commercials";

(2) "Authorized driver":

(a) The renter;

(b) The renter's spouse if the spouse is a licensed driver and satisfies the car rental company's minimum age requirement;

(c) The renter's employee or co-worker if they are engaged in business activity with the person to whom the vehicle is rented, are licensed drivers, and satisfy the rental company's minimum age requirements;

(d) Any person who operates the vehicle during an emergency situation; and

(e) Any person expressly listed by the car rental company on the renter's contract as an authorized driver;

(3) "Blackout date", any date on which an advertised price is totally unavailable to the public;

(4) "Car rental company", any person or entity in the business of renting private passenger vehicles to the public;

(5) "Car rental insurance", products and services that are offered in connection with and incidental to the rental of a motor vehicle under subdivision (10) of subsection 1 of section 375.786, RSMo. This definition of optional car rental insurance or any other definition of insurance shall not include collision damage waiver;

(6) "Clear and conspicuous", that the statement, representation or term being disclosed is of such size, color contrast, and audibility and is so presented as to be readily noticed and understood by the person to whom it is being disclosed. All language and terms should be used in accordance with their common or ordinary usage and meaning;

(7) "Collision damage waiver", any product a consumer purchases from a car rental company in order to waive all or part of his responsibility for damages, or loss of, a rental vehicle;

(8) "Limited time availability", that the advertised rental price is only available for a specific period of time or that the price is not available during certain blackout periods;

(9) "Mandatory charge", any charge, fee, or surcharge consumers must generally pay in order to obtain or operate a rental vehicle;

(10) "Master rental agreement", those documents used by a car rental company for expedited service to members in a program sponsored by the car rental company in which renters establish a profile and select preferences for rental needs which establish the terms and conditions governing the use of a rental car rented by a car rental company by a participant in a master rental agreement;

(11) "Material restriction", a restriction, limitation or other requirement which significantly affects the price of, use of, or a consumer's financial responsibility for a rental car;

(12) "Rental agreement", any document or combination of documents, which, when read together and incorporated by reference to each other, relate to and establish the terms and conditions of the rental of a motor vehicle by an individual; or when such a combination of documents is entered into as part of any written master, corporate, group or individual agreement setting forth the terms and conditions governing the use of a rental car rented by a car rental company.

**(13) "Vehicle license fees", charges that may be imposed upon any transaction originating in the State of Missouri to recoup costs incurred by a car rental company to license, title, inspect, register, plate, and pay personal property taxes on rental vehicles.**

407.732. 1. Any advertisement shall be nondeceptive and in plain language. Deception may result not only from a direct statement in the advertisement and from reasonable inferences therefrom, but also from omitting or obscuring a material restriction or fact.

2. Print advertisements that include prices for car rentals shall make clear and conspicuous disclosure of the following applicable restrictions:

(1) The expiration date of the price offered if it is available for less than thirty days after the last date of publication of the advertisement;

(2) The existence of any geographical limitations on use;

(3) The extent of any advance reservation or advance payment requirements;

(4) Airport access fee disclosure;

(5) The existence of any penalties or higher rates that may apply for early or late returns for weekly or weekend rentals;

(6) Existence of additional driver fee;

(7) The existence of blackout dates or specific blackout dates for location specific advertisements;

(8) Nonavailability of offer at all locations;

(9) Disclosure of mileage caps and charges;

(10) Disclosure of collision damage waiver costs.

Print advertisements that include prices for car rentals, where mileage fees apply to the advertised price, shall prominently disclose this extraordinary material restriction. Print advertisements that include prices for car rentals, where a company sells collision damage waiver to the public and does not include this cost in the advertised rate, shall prominently disclose the price for collision damage waiver.

3. Broadcast commercials that include prices shall indicate whether substantial restrictions apply and shall include:

(1) The expiration date of the price offered if the advertised price is available for less than thirty days;
(2) Nonavailability of the advertised price in certain locations if that is the case;
(3) Mileage limitations and charges, if any;
(4) Price or price range for collision damage waiver.

4. Any advertised price shall be available in sufficient quantity to meet reasonably expected public demand for the rental cars advertised for the entire advertised period, beginning on the day on which the advertisement appears and continuing at least thirty days thereafter, unless the advertisement clearly and conspicuously discloses a shorter or longer expiration date for the offer, and in that event, through the expiration date. Prices may be advertised although less cars are available than would be required to meet the expected demand, as long as this limitation is clearly and conspicuously set forth in the advertisement and a reasonable number of cars are made available at the advertised price.

5. **[**Any surcharge or fee, including, but not limited to, fuel surcharges, airport access fees, and surcharges in lieu of sales tax that consumers must generally pay at any location in order to obtain or operate a rental vehicle shall be clearly and conspicuously disclosed when a price is advertised.**] The existence of each additional fee, charge, or surcharge that a consumer must pay and which may be imposed as a separately stated charge on a rental transaction including, but in no way to be construed as limited to, airport fees and vehicle license fees shall be disclosed any time a price is advertised and each fee, charge, or surcharge shall be clearly and conspicuously disclosed on the rental agreement**.

6. A photograph of a rental car shall not be used in a price advertisement unless the advertisement clearly and conspicuously discloses, in immediate proximity to the photograph, the cost to rent the car depicted. A photograph of a rental car shall not be used in an advertisement if the advertisement states directly or by implication that the automobile depicted may be rented under certain conditions and that is not the case.

7. Any price advertised as a "daily price" or "price per day" shall be available for rentals of a single day or more, and any price advertised as a "weekly" rate shall be available for the first week and for subsequent weeks of the same rental. A rental company shall not charge more than a weekly price which was advertised if a customer on a weekly rental returns the car earlier than seven days. A price advertised as a "weekend rate" shall be available on both Saturday and Sunday.

8. Any car rental advertising promotion which extends a free offer or promises a gift or other incentive shall clearly and conspicuously disclose all the terms and conditions for receiving the offer, gift or incentive. A gift, incentive, or other merchandise or service shall not be advertised as free, if the cost of the item, in whole or in part, is included in the advertised rental rate. If the gift or offer is provided by a third party, the car rental company shall be fully responsible for providing the gift or offer under the terms and conditions disclosed.

9. A rental car shall not be advertised using the words "unlimited mileage" or other terms that suggest there are absolutely no mileage restrictions on the use of the rental vehicle only unless there are no geographical restrictions on the use of the vehicle.

10. At the time of the car rental transaction, the car rental company shall disclose the following:
(1) The total cost, including any airport access fees;
(2) Geographical limitations;
(3) Advance reservation or payment requirements;
(4) Penalties or higher rates that may apply for early or late returns for weekly or weekend rentals;
(5) Cost of additional driver fee;
(6) Blackout dates."; and

Further amend the title and enacting clause accordingly.

Emergency clause defeated.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HA 1** to **SCS SB 4** and has taken up and passed **SCS SB 4, as amended**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SB 233, as amended**: Senators Crowell, Rupp, Goodman, McKenna and Shoemyer.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SB 233**, and has taken up and passed **CCS SB 233**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SCS SB 308, as amended**: Senators Crowell, Ridgeway, Shields, Kennedy and Wilson.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SRB 613** and has taken up and passed **HCS SRB 613**.

**CONFERENCE COMMITTEE REPORT**
**ON**
**SENATE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE BILL NO. 1**

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 1, 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 Committee Substitute for House Bill No. 1.

2. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 1, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Chuck Gross
/s/ Gary Nodler
/s/ Robert Mayer
/s/ Joan Bray
/s/ Timothy Green

FOR THE HOUSE:

/s/ Allen Icet
/s/ Ed Robb
/s/ Bryan P. Stevenson
/s/ Paul LeVota
/s/ Margaret Donnelly

**CONFERENCE COMMITTEE REPORT**
**ON**
**SENATE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE BILL NO. 2**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2, 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 Committee Substitute for House Committee Substitute for House Bill No. 2.

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

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Chuck Gross
/s/ Gary Nodler
/s/ Robert Mayer
/s/ Joan Bray
/s/ Timothy Green

FOR THE HOUSE:

/s/ Allen Icet
/s/ Ed Robb
/s/ Bryan Stevenson

**CONFERENCE COMMITTEE REPORT**
**ON**
**SENATE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE BILL NO. 3**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 3, 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 Committee Substitute for House Committee Substitute for House Bill No. 3.

2. That the House recede from its position on House Committee Substitute for House Bill No. 3.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 3, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

| FOR THE SENATE: | FOR THE HOUSE: |
|---|---|
| /s/ Chuck Gross | /s/ Allen Icet |
| /s/ Gary Nodler | /s/ Ed Robb |
| /s/ Robert Mayer | /s/ Bryan Stevenson |
| /s/ Joan Bray | |
| /s/ Timothy Green | |

**CONFERENCE COMMITTEE REPORT**
**ON**
**SENATE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE BILL NO. 4**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 4.

2. That the House recede from its position on House Committee Substitute for House Bill No. 4.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 4, be truly agreed to and finally passed.

| FOR THE SENATE: | FOR THE HOUSE: |
|---|---|
| /s/ Chuck Gross | /s/ Allen Icet |
| /s/ Gary Nodler | /s/ Ed Robb |
| /s/ Robert Mayer | /s/ Bryan Stevenson |
| /s/ Joan Bray | /s/ Rachel Storch |
| /s/ Timothy Green | /s/ Leonard Hughes, IV |

**CONFERENCE COMMITTEE REPORT**
**ON**
**SENATE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE BILL NO. 5**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 5.

2. That the House recede from its position on House Committee Substitute for House Bill No. 5.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 5, be truly agreed to and finally passed.

FOR THE SENATE:
/s/ Chuck Gross
/s/ Gary Nodler
/s/ Robert Mayer
/s/ Joan Bray
/s/ Timothy Green

FOR THE HOUSE:
/s/ Allen Icet
/s/ Ed Robb
/s/ Bryan Stevenson

**CONFERENCE COMMITTEE REPORT**
**ON**
**SENATE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE BILL NO. 6**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 6.

2. That the House recede from its position on House Committee Substitute for House Bill No. 6.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 6, be truly agreed to and finally passed.

FOR THE SENATE:
/s/ Chuck Gross
/s/ Gary Nodler
/s/ Robert Mayer
/s/ Joan Bray
/s/ Timothy Green

FOR THE HOUSE:
/s/ Allen Icet
/s/ Ed Robb
/s/ Bryan Stevenson
/s/ Jim Whorton
/s/ Belinda Harris

**CONFERENCE COMMITTEE REPORT**
**ON**
**SENATE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE BILL NO. 7**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 7, 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 Committee Substitute for House Committee Substitute for House Bill No. 7.

2. That the House recede from its position on House Committee Substitute for House Bill No. 7.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 7, be truly agreed to and finally passed.

| FOR THE SENATE: | FOR THE HOUSE: |
|---|---|
| /s/ Chuck Gross | /s/ Allen Icet |
| /s/ Gary Nodler | /s/ Ed Robb |
| /s/ Robert Mayer | /s/ Bryan Stevenson |
| /s/ Joan Bray | /s/ Rachel Storch |
| /s/ Timothy Green | /s/ Robin Wright-Jones |

**CONFERENCE COMMITTEE REPORT**
**ON**
**SENATE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE BILL NO. 8**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 8, 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 Committee Substitute for House Committee Substitute for House Bill No. 8.

2. That the House recede from its position on House Committee Substitute for House Bill No. 8.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 8, be truly agreed to and finally passed.

| FOR THE SENATE: | FOR THE HOUSE: |
|---|---|
| /s/ Chuck Gross | /s/ Allen Icet |
| /s/ Gary Nodler | /s/ Ed Robb |
| /s/ Robert Mayer | /s/ Bryan Stevenson |
| /s/ Joan Bray | /s/ Michael Brown |
| /s/ Timothy Green | /s/ Jeff Roorda |

**CONFERENCE COMMITTEE REPORT**
**ON**
**SENATE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE BILL NO. 9**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 9, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 9.

2. That the House recede from its position on House Committee Substitute for House Bill No. 9.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 9, be truly agreed to and finally passed.

| FOR THE SENATE: | FOR THE HOUSE: |
|---|---|
| /s/ Chuck Gross | /s/ Allen Icet |
| /s/ Gary Nodler | /s/ Ed Robb |
| /s/ Robert Mayer | /s/ Bryan Stevenson |
| /s/ Joan Bray | /s/ Connie Johnson |
| /s/ Timothy Green | /s/ Jamilah Nasheed |

**CONFERENCE COMMITTEE REPORT**
**ON**
**SENATE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE BILL NO. 10**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 10, 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 Committee Substitute for House Committee Substitute for House Bill No. 10.

2. That the House recede from its position on House Committee Substitute for House Bill No. 10.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10, be truly agreed to and finally passed.

| FOR THE SENATE: | FOR THE HOUSE: |
|---|---|
| /s/ Chuck Gross | /s/ Allen Icet |
| /s/ Gary Nodler | /s/ Ed Robb |
| /s/ Robert Mayer | /s/ Bryan Stevenson |
| /s/ Joan Bray | |
| /s/ Timothy Green | |

**CONFERENCE COMMITTEE REPORT**
**ON**
**SENATE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE BILL NO. 11**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, 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 Committee Substitute for House Committee Substitute for House Bill No. 11.

2. That the House recede from its position on House Committee Substitute for House Bill No. 11.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 11, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Chuck Gross
/s/ Gary Nodler
/s/ Robert Mayer
/s/ Joan Bray
/s/ Timothy Green

FOR THE HOUSE:

/s/ Allen Icet
/s/ Ed Robb
/s/ Bryan Stevenson

**CONFERENCE COMMITTEE REPORT**
**ON**
**SENATE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE COMMITTEE SUBSTITUTE**
**FOR**
**HOUSE BILL NO. 12**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 12, 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 Committee Substitute for House Committee Substitute for House Bill No. 12.

2. That the House recede from its position on House Committee Substitute for House Bill No. 12.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 12, be truly agreed to and finally passed.

| FOR THE SENATE: | FOR THE HOUSE: |
|---|---|
| /s/ Chuck Gross | /s/ Allen Icet |
| /s/ Gary Nodler | /s/ Ed Robb |
| /s/ Robert Mayer | /s/ Bryan Stevenson |
| /s/ Joan Bray | |
| /s/ Timothy Green | |

**CONFERENCE COMMITTEE REPORT<br>ON<br>SENATE COMMITTEE SUBSTITUTE<br>FOR<br>HOUSE COMMITTEE SUBSTITUTE<br>FOR<br>HOUSE BILL NO. 13**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 13, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 13.

2. That the House recede from its position on House Committee Substitute for House Bill No. 13.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 13, be truly agreed to and finally passed.

| FOR THE SENATE: | FOR THE HOUSE: |
|---|---|
| /s/ Chuck Gross | /s/ Allen Icet |
| /s/ Gary Nodler | /s/ Ed Robb |
| /s/ Robert Mayer | /s/ Bryan Stevenson |
| /s/ Joan Bray | /s/ Paul Levota |
| /s/ Timothy Green | /s/ Margaret Donnelly |

**CONFERENCE COMMITTEE REPORT<br>ON<br>HOUSE COMMITTEE SUBSTITUTE<br>FOR<br>SENATE BILL NO. 81**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 81, with House Amendment Nos. 1, 2, and 3, House Amendment No. 2 to House Amendment No. 4, and House Amendment No. 4, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 81;

2. That the Senate recede from its position on Senate Bill No. 81;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 81, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ John Griesheimer
/s/ Chris Koster
/s/ Kevin Engler
/s/ Victor Callahan
/s/ Ryan McKenna

FOR THE HOUSE:

/s/ Charles Schlottach
/s/ Jason Smith
/s/ Kevin Threlkeld
/s/ Trent Skaggs
/s/ Jacob Zimmerman

**CONFERENCE COMMITTEE REPORT
ON
SENATE BILL NO. 233**

The Conference Committee appointed on Senate Bill No. 233, with House Amendment Nos. 1, 2, 3, 4, and 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Bill No. 233, as amended;

2. That the Senate recede from its position on Senate Bill No. 233;

3. That the attached Conference Committee Substitute for Senate Bill No. 233, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Jason Crowell
/s/ Scott Rupp
/s/ Jack Goodman
/s/ Ryan McKenna
/s/ Wes Shoemyer

FOR THE HOUSE:

/s/ Bryan Stevenson
/s/ Steven Tilley
/s/ Jerry Nolte
/s/ Jason Holsman
/s/ Clint Zweifel

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 30**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 30, with House Amendment Nos. 1, 2, 3, 4, 5, 6, House Amendment No. 1 to House Amendment No. 7, House Amendment No. 7, as amended, House Amendment No. 8, House Substitute Amendment No. 1 for House Amendment No. 1 to House Amendment No. 9, House Amendment No. 9, as amended, House Amendment Nos. 10, 11, 12, 13, 14, 15, House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 16, House Substitute Amendment No. 1 for House Amendment No. 16, House Amendment No. 16, as amended, and House Amendment No. 17, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 30, as amended;

2. That the Senate recede from its position on Senate Bill No. 30;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 30, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Gary Nodler
/s/ Robert Mayer
/s/ John Griesheimer
/s/ Ryan McKenna
/s/ Wes Shoemyer

FOR THE HOUSE:

/s/ Bryan Stevenson
/s/ Mike Sutherland
/s/ Shannon Cooper
/s/ Rachel Bringer
/s/ Clint Zweifel

## ADJOURNMENT

On motion of Representative Dempsey, the House adjourned until 10:00 a.m., Wednesday May 9, 2007.

## CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Sixty-ninth Day, Monday, May 7, 2007, Page 1555, Line 7, by deleting all of said line and inserting in lieu thereof the following:

"(37) **[**Tangible personal property purchased for use or consumption directly or exclusively"; and

Line 8, by deleting the numeral "269" and inserting in lieu thereof the numeral "270".

AFFIDAVIT

I, State Representative Doug Ervin, District 35, hereby state and affirm that my vote as recorded on Page 1567 of the House Journal for May 7, 2007 showing that I voted Absent with Leave was incorrectly recorded. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted Aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 8th day of May 2007.

/s/ Doug Ervin
State Representative

State of Missouri )
) ss.
County of Cole )

Subscribed and sworn to before me this 8th day of May in the year 2007.

/s/ Carrie Young
Notary Public

## COMMITTEE MEETINGS

AGRICULTURE POLICY
Wednesday, May 9, 2007, 8:30 a.m. Hearing Room 7.
Executive session.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT
Thursday, May 10, 2007, 8:15 a.m. Hearing Room 5.
Presentation by University of MO - Re: train traffic and related study of the UP line.
Presentations by representatives of AMTRAK, UP and Burlington Northern.
Other rail issues may be discussed.

CONFERENCE COMMITTEE NOTICE
Wednesday, May 9, 2007, 9:00 a.m. Senator Champion's office Room No. 221.
Public hearing to be held on: HCS SB 25

CONFERENCE COMMITTEE NOTICE
Wednesday, May 9, 2007, Senate Committee Room 2 upon morning recess.
Public hearing to be held on: HCS#2 SB 406

JOINT COMMITTEE ON LEGISLATIVE RESEARCH
Monday, May 14, 2007, 11:00 a.m. Hearing Room 6.
Quarterly business meeting. Old/New Business.
Some portions of the meeting may be closed pursuant to Section 610.021.

JUDICIARY
Wednesday, May 9, 2007, Hearing Room 1 upon afternoon adjournment.
Executive session only.

RULES - PURSUANT TO RULE 25(21)(f)
Wednesday, May 9, 2007, 1:00 p.m. Hearing Room 1.
Executive session may follow.
Public hearings to be held on: HCS HB 968, SB 481,
HCS SS SCS SBs 239, 24 & 445, HCS#2 SCS SB 333,
HCS SS SB 654, SS SCS SB 21

RULES - PURSUANT TO RULE 25(21)(f)
Wednesday, May 9, 2007,
House Chamber south gallery upon afternoon adjournment or 7:00 p.m.
Executive session may follow.
Public hearings to be held on: HCS HCR 5, HCS SS SB 358, HCS SS SCS SB 577

SPECIAL COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING
Wednesday, May 9, 2007, House Chamber south gallery upon morning recess.
Executive session. Reconsideration.
Executive session will be held on: HCS SCS SB 313

SPECIAL COMMITTEE ON UTILITIES
Wednesday, May 9, 2007, 12:00 p.m. Hearing Room 5.
Executive session.

## HOUSE CALENDAR

SEVENTY-FIRST DAY, WEDNESDAY, MAY 9, 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, HA 1, pending - 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 HCS HB 425 - Pearce
59 HCS HB 429 - Jones (117)
60 HCS HB 716 - Davis
61 HCS HB 95 - Sater
62 HB 479 - Darrough
63 HB 733 - Page
64 HCS HB 769 - Bruns
65 HCS HB 802, *HA 2 to HA 1, HA 1, pending - Page
66 HB 1155 - Wright-Jones
67 HCS HB 442 - Kingery
68 HB 727 - Portwood
69 HB 888 - Grisamore
70 HCS HB 923 - Kratky
71 HB 1251 - Komo
72 HCS HB 331 - Lipke
73 HCS#2 HB 735 - Cooper (158)
74 HCS HB 833 - Wasson
75 HB 1104 - Hughes
76 HCS HBs 112, 26, 37, 78, 79 & 154 - Pearce
77 HCS HB 886 - Schlottach
78 HCS HB 869 - Holsman
79 HB 1052 - Brown (50)
80 HCS HB 1272 - El-Amin
81 HCS HB 1023 - Quinn (7)
82 HCS HB 1108 - Pratt

**HOUSE BILL FOR PERFECTION - INFORMAL**

HB 61 - Ruestman

**HOUSE CONCURRENT RESOLUTION FOR THIRD READING**

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

**HOUSE BILLS FOR THIRD READING**

1 HCS HBs 365, 804 & 805, (Fiscal Review 4-03-07) - Ervin
2 HB 758 - Brown (50)

**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

8 HCR 44, (4-24-07, Page 1314) - Smith (14)
9 HCS HCR 45, (4-25-07, Page 1347) - Roorda

**SENATE BILLS FOR THIRD READING**

1 SCS SB 91 - St. Onge
2 SB 135 - Kingery
3 HCS SCS SB 232 - Cooper (158)
4 HCS SCS SB 384, as amended, HSA 1 for HA 2, HA 2, pending, E.C. - Daus
5 HCS SCS SB 520 - Hunter
6 SB 352 - Ruzicka
7 HCS SB 593 & SCS SB 594 - May
8 SB 648 - Kelly
9 HCS SS SCS SB 320 - Quinn (7)
10 SCS SB 418 - Weter
11 SB 513 - Wasson
12 HCS SB 218 - Deeken
13 SB 433 - Pratt
14 HCS SS SCS SB 22, E.C. - Schneider
(2 hours debate on Third Reading)
15 HCS SS SB 112 - Faith
16 SB 271 - Pearce
17 HCS SS#2 SCS SB 161, (Fiscal Review 5-07-07) - Muschany
18 HCS SCS SB 86, E.C. - Sutherland
19 HCS SB 315 - Munzlinger
20 HCS SCS SB 52, (Fiscal Review 5-07-07), E.C. - St. Onge
(150 minutes debate on Third Reading)
21 SB 162 - Deeken
22 SB 171 - Wasson
23 HCS SCS SB 197 - Yates
24 HCS SS SCS SBs 255, 249 & 279, E.C. - Muschany
25 SS SB 417 - Parson
26 HCS SB 419, (Fiscal Review 5-07-07) - Hobbs
27 HCS SCS SB 497 - Wilson (119)
28 SCS SB 525 - Wasson
29 SCS SB 526 - Wasson

**HOUSE BILLS WITH SENATE AMENDMENTS**

1 SCS HCS HB 18 - Icet
2 SCS HCS HB 17 - Icet
3 SCS HB 41, as amended, E.C. - Portwood
4 SS SCS HB 255, as amended, E.C. - Bruns
5 SS HB 744, as amended - St. Onge
6 SS HB 134 - Guest
7 SCS HCS HB 298 - Cooper (120)
8 SS#2 SCS HCS HBs 444, 217, 225, 239, 243, 297, 402 & 172 - Jetton

**BILLS CARRYING REQUEST MESSAGES**

1 CCS SS SCS HCS HB 327, as amended
(House refuses to grant conference/request Senate take up and pass bill) - Richard
2 HCS SB 166, (request House recede/take up and pass bill) - Wood
3 HB 488, SA 1 (request Senate recede/grant conference) - Wasson

**BILLS IN CONFERENCE**

1 CCR HCS SB 30, as amended, E.C. - Stevenson
2 HCS SCS SB 308, as amended - Wasson
3 CCR SB 233, HA 1, HA 2, HA 3, HA 4, HA 5 - Stevenson
4 CCR SCS HB 1 - Icet
5 CCR SCS HCS HB 2 - Icet
6 CCR SCS HCS HB 3 - Icet
7 CCR SCS HCS HB 4 - Icet
8 CCR SCS HCS HB 5 - Icet
9 CCR SCS HCS HB 6 - Icet
10 CCR SCS HCS HB 7 - Icet
11 CCR SCS HCS HB 8 - Icet
12 CCR SCS HCS HB 9 - Icet
13 CCR SCS HCS HB 10 - Icet
14 CCR SCS HCS HB 11, as amended - Icet
15 CCR SCS HCS HB 12 - Icet
16 CCR SCS HCS HB 13 - Icet
17 HCS SCS SB 64, as amended - Wallace
18 CCR HCS SB 81, as amended, E.C. - Schlottach
19 HCS SCS SB 198 - Pollock
20 HCS SB 25, as amended - Franz
21 HB 574, SA 1, SA 3, E.C. - St. Onge
22 SS HB 665, as amended - Ervin
23 HCS#2 SB 406, as amended - Wallace
24 HCS SCS SB 82, as amended - Tilley
25 HCS SB 84, as amended - Franz
26 HCS SB 416 - Pratt
27 HCS SCS SB 156, as amended, E.C. - Quinn (7)
28 HCS SCS SBs 62 & 41, as amended - Ruestman

**HOUSE RESOLUTION**

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