

# JOURNAL OF THE HOUSE

First Regular Session, 99th GENERAL ASSEMBLY

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SEVENTY-FIRST DAY, WEDNESDAY, MAY 10, 2017

The House met pursuant to adjournment.

Speaker Pro Tem Haahr in the Chair.

Prayer by Reverend Monsignor Robert A. Kurwicki, Chaplain.

*He that dwelleth in the secret place of the Most High shall abide under the shadow of the Almighty. (Psalm 91:1)*

Almighty and Everlasting God, above the conflicts of this busy day and the disorders of this final week we would come to You seeking the calm of Your holy presence. In the secret place of the Most High we would dwell, lifting our hearts to You, praying for the guidance of Your spirit and the direction of Your wisdom as we face the experiences of another full day.

Help us to serve our constituents with persistent faithfulness and patient dependability that we may keep in our State the hope of all people and the channel of peace for our generation.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to serve as an Honorary Page for the Day, to serve without compensation: Cassie Weigel.

The Journal of the seventieth day was approved as printed by the following vote:

AYES: 128

Adams	Alferman	Anders	Anderson	Andrews
Austin	Bahr	Bangert	Baringer	Barnes 60
Barnes 28	Basye	Beard	Beck	Bernskoetter
Berry	Black	Bondon	Brown 27	Brown 57
Brown 94	Burnett	Burns	Butler	Chipman
Cierpiot	Conway 10	Conway 104	Cookson	Corlew
Cornejo	Crawford	Cross	Curtman	Davis
DeGroot	Dogan	Dohrman	Dunn	Eggleston
Ellebracht	Evans	Fitzwater 49	Fraker	Francis
Franklin	Franks Jr	Frederick	Gray	Green
Grier	Haahr	Haefner	Hannegan	Harris
Helms	Henderson	Higdon	Hill	Houghton
Houx	Hubrecht	Hurst	Johnson	Justus
Kelley 127	Kendrick	Kidd	Kolkmeier	Korman
Lant	Lavender	Lichtenegger	Love	Lynch
Marshall	Mathews	May	McCaherty	McCann Beatty

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McCreery	McDaniel	McGaugh	Meredith 71	Miller
Moon	Morgan	Morris	Mosley	Newman
Nichols	Peters	Pfautsch	Phillips	Pierson Jr
Pietzman	Pike	Plocher	Pogue	Quade
Redmon	Rehder	Reiboldt	Reisch	Remole
Roberts	Ross	Rowland 155	Rowland 29	Ruth
Schroer	Shaul 113	Shull 16	Smith 85	Smith 163
Sommer	Stacy	Stevens 46	Swan	Tate
Taylor	Vescovo	Walker 3	Wessels	White
Wiemann	Wilson	Wood		

NOES: 000

PRESENT: 002

Merideth 80              Unsicker

ABSENT WITH LEAVE: 032

Arthur	Brattin	Carpenter	Christofanelli	Curtis
Ellington	Engler	Fitzpatrick	Fitzwater 144	Gannon
Gregory	Hansen	Kelly 141	Lauer	Matthiesen
McGee	Messenger	Mitten	Muntzel	Neely
Razer	Rhoads	Roden	Roeber	Rone
Runions	Shumake	Spencer	Stephens 128	Trent
Walker 74	Mr. Speaker			

VACANCIES: 001

### COMMITTEE REPORTS

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

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SS SCS HCS HB 292**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (14): Alferman, Conway (104), Fraker, Haefner, Morgan, Morris, Rowland (29), Smith (163), Swan, Unsicker, Vescovo, Wessels, Wiemann and Wood

Noes (0)

Absent (0)

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **CCR SB 8, as amended**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (14): Alferman, Conway (104), Fraker, Haefner, Morgan, Morris, Rowland (29), Smith (163), Swan, Unsicker, Vescovo, Wessels, Wiemann and Wood

Noes (0)

Absent (0)

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SB 124**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (11): Fraker, Haefner, Morgan, Morris, Rowland (29), Smith (163), Swan, Unsicker, Vescovo, Wessels and Wood

Noes (3): Alferman, Conway (104) and Wiemann

Absent (0)

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HB 93** entitled:

An act to repeal sections 620.800, 620.803, 620.806, and 620.809, RSMo, and to enact in lieu thereof ten new sections relating to job training.

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#2 HCS HB 151** entitled:

An act to repeal sections 302.065, 302.183, 302.188, and 302.189, RSMo, and to enact in lieu thereof three new sections relating to forms of identification, with penalty provisions and 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 No. 2 for House Committee Substitute for House Bill No. 151, Page 5, Section 302.170, Lines 17-23, by striking all of said lines from the bill; and further renumber the remaining subsections accordingly.

#### *Senate Amendment No. 2*

AMEND Senate Substitute No. 2 for House Committee Substitute for House Bill No. 151, Page 10, Section 302.170, Line 3 of said page, by inserting after all of said line the following:

“302.185. In the event that a license issued under sections 302.010 to 302.780 shall be lost or destroyed or when a veteran seeks a veteran designation under section 302.188 prior to the expiration of a license **or when a person who has a license or identification card issued prior to the effective date of this act applies for a REAL ID compliant driver's license or identification card because noncompliant driver's licenses or identification cards issued by this state are no longer accepted as sufficient identification for domestic air travel**, but not where a license has been suspended, taken up, revoked, disqualified, or deposited in lieu of bail, hereinafter provided, the person to whom the license as was issued may obtain a duplicate license upon furnishing proper identification and satisfactory proof to the director or his authorized license agents that the license has been lost or destroyed, and upon payment of a fee of fifteen dollars for a duplicate license if the person transports persons or property as classified in section 302.015, and a fee of seven dollars and fifty cents for all other duplicate classifications of license. **The department of revenue shall not collect a duplicate license fee for issuance of a REAL ID compliant driver's license or identification card to a person not previously issued a REAL ID compliant driver's license or identification card.**”; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 3*

AMEND Senate Substitute No. 2 for House Committee Substitute for House Bill No. 151, Page 2, Section 302.170, Line 28, of said page, by inserting at the end of said line the following:

**“Documents retained as provided or required by subsections 3 and 4 of this section shall be stored solely on a system not connected to the internet nor to a wide area network that connects to the internet. Once stored on such system, the documents and data shall be purged from any systems on which they were previously stored so as to make them irretrievable.”.**

*Senate Amendment No. 4*

AMEND Senate Substitute No. 2 for House Committee Substitute for House Bill No. 151, Page 3, Section 302.170, Line 20, by striking “14” and inserting in lieu thereof the following:

**“13”.**

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**SS SCS HB 93 - Fiscal Review**

**SS#2 HCS HB 151, as amended - Fiscal Review**

**THIRD READING OF SENATE BILLS**

**SB 222**, relating to vehicle lighting equipment, was taken up by Representative Korman.

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

*House Amendment No. 1*

AMEND Senate Bill No. 222, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"304.005. 1. As used in this section, the term "autocycle" means a three-wheeled motor vehicle ~~[on]~~ which the drivers and passengers ride in a **partially or** completely enclosed, ~~[tandem]~~ **non-straddle** seating area ~~[that is equipped with air bag protection, a roll cage, safety belts for each occupant, and antilock brakes and]~~ that is designed to be controlled with a steering wheel and pedals, **and has met applicable Department of Transportation National Highway Traffic Safety Administration requirements or Federal Motorcycle Safety Standards.**

2. Notwithstanding subsection 2 of section 302.020, a person operating or riding in an autocycle shall not be required to wear protective headgear if the vehicle is equipped with a roof that meets or exceeds the standards established for protective headgear.

3. No person shall operate an autocycle on any highway or street in this state unless the person has a valid driver's license. The operator of an autocycle, however, shall not be required to obtain a motorcycle or motortricycle license or endorsement pursuant to sections 302.010 to 302.340."; and

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

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

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

*House Amendment No. 2*

AMEND Senate Bill No. 222, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary ~~[emergency]~~ vehicle displaying lighted red or red and blue lights, or a stationary vehicle ~~[owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation or a stationary vehicle owned by a contractor or subcontractor performing work for the department of transportation]~~ displaying lighted amber or amber and white lights, the driver of every motor vehicle shall:

(1) Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

3. The motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer.

4. An "emergency vehicle" is a vehicle of any of the following types:

(1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri capitol police, a conservation agent, or a state park ranger, those vehicles operated by enforcement personnel of the state highways and transportation commission, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer or coroner or by a privately owned emergency vehicle company;

(2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

(3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175;

(4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;

(5) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

(6) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of chapter 44;

(7) Any vehicle operated by an authorized employee of the department of corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

(8) Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of sections 260.500 to 260.550; or

(9) Any vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation that is marked as a department of transportation emergency response or motorist assistance vehicle.

5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.

(2) The driver of an emergency vehicle may:

(a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the prima facie speed limit so long as the driver does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this subsection shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

6. No person shall purchase an emergency light as described in this section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

7. Violation of this section shall be deemed a class A misdemeanor."; and

Further amend said bill, Page 1, Section 307.005, Line 4, by inserting after all of said section and line the following:

"307.175. 1. Motor vehicles and equipment which are operated by any member of an organized fire department, ambulance association, or rescue squad, whether paid or volunteer, may be operated on streets and highways in this state as an emergency vehicle under the provisions of section 304.022 while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies.

2. ~~[Motor vehicles and equipment owned by the state highways and transportation commission or contractor or subcontractor performing work for the department of transportation may use or display thereon fixed, flashing, or rotating amber or white lights, but amber or white lights shall be used only while such vehicle is stationary in a work zone, as defined in section 304.580, when highway workers, as defined in section 304.580, are present.]~~

**(1) Notwithstanding subsection 1 of this section, the following vehicles may use or display fixed, flashing, or rotating red or red and blue lights:**

**(a) Emergency vehicles, as defined in section 304.022, when responding to an emergency;**

**(b) Vehicles operated as described in subsection 1 of this section;**

**(c) Vehicles owned by a contractor or subcontractor performing work for the department of transportation, except that the red or red and blue lights shall be displayed on vehicles described in this paragraph only between dusk and dawn, when such vehicles are stationary, such vehicles are located in a work zone as defined in section 304.580, highway workers as defined in section 304.580 are present, and such work zone is designated by a sign or signs.**

**(2) The following vehicles may use or display fixed, flashing, or rotating amber or amber and white lights:**

**(a) Vehicles owned or leased by the state highways and transportation commission and operated by an authorized employee of the department of transportation;**

**(b) Vehicles owned by a contractor or subcontractor performing work for the department of transportation, except that the amber or amber and white lights shall be displayed on vehicles described in this paragraph only when such vehicles are stationary;**

**(c) Vehicles operated by a utility worker performing work for the utility, except that the amber or amber and white lights shall be displayed on vehicles described in this paragraph only when such vehicles are stationary. As used in this paragraph, the term "utility worker" means any employee while in performance of his or her job duties, including any person employed under contract of a utility that provides gas, heat, electricity, water, steam, telecommunications or cable services, or sewer services, whether privately, municipally, or cooperatively owned.**

3. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and shall be issued and may be revoked by the chief of an organized fire department, organized ambulance association, rescue squad, or the state highways and transportation commission and no person shall use or display a siren or blue

lights on a motor vehicle, fire, ambulance, or rescue equipment without a valid permit authorizing the use. A permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this section constitutes a class A misdemeanor."; and

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

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

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

*House Amendment No. 3*

AMEND Senate Bill No. 222, Page 1, Section A, Line 2, by inserting immediately after all of said section and line the following:

"304.170. 1. No vehicle operated upon the highways of this state shall have a width, including load, in excess of one hundred two inches, except clearance lights, rearview mirrors or other accessories required by federal, state or city law or regulation. Provided however, a recreational vehicle as defined in section 700.010 may exceed the foregoing width limits if the appurtenances on such recreational vehicle extend no further than the rearview mirrors. Such mirrors may only extend the distance necessary to provide the required field of view before the appurtenances were attached.

2. No vehicle operated upon the interstate highway system or upon any route designated by the chief engineer of the state transportation department shall have a height, including load, in excess of fourteen feet. On all other highways, no vehicle shall have a height, including load, in excess of thirteen and one-half feet, except that any vehicle or combination of vehicles transporting automobiles or other motor vehicles may have a height, including load, of not more than fourteen feet.

3. No single motor vehicle operated upon the highways of this state shall have a length, including load, in excess of forty-five feet, except as otherwise provided in this section.

4. No bus, recreational motor vehicle or trackless trolley coach operated upon the highways of this state shall have a length in excess of forty-five feet, except that such vehicles may exceed the forty-five feet length when such excess length is caused by the projection of a front safety bumper or a rear safety bumper or both. Such safety bumper shall not cause the length of the bus or recreational motor vehicle to exceed the forty-five feet length limit by more than one foot in the front and one foot in the rear. The term "safety bumper" means any device which may be fitted on an existing bumper or which replaces the bumper and is so constructed, treated, or manufactured that it absorbs energy upon impact.

5. No combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the highways of this state shall have a length, including load, in excess of sixty feet; except that in order to comply with the provisions of Title 23 of the United States Code (Public Law 97-424), no combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer or truck-tractor equipped with dromedary and semitrailer. The length of such semitrailer shall not exceed fifty-three feet.

6. In order to comply with the provisions of Title 23 of the United States Code (Public Law 97-424), no combination of truck-tractor, semitrailer and trailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer and trailer, neither of which semitrailer or trailer shall exceed twenty-eight feet in length, except that any existing semitrailer or trailer up to twenty-eight and one-half feet in length actually and lawfully operated on December 1, 1982, within a sixty-five foot overall length limit in any state, may continue to be operated upon the interstate highways of this state. On those primary highways not designated by the state highways and transportation commission as provided in subsection 10 of this section, no combination of truck-tractor, semitrailer and trailer shall have an overall length, including load, in excess of sixty-five feet; provided, however, the state highways and transportation commission may designate additional routes for such sixty-five foot combinations.

7. Automobile transporters, boat transporters, truck-trailer boat transporter combinations, stinger-steered combination automobile transporters and stinger-steered combination boat transporters having a length not in excess of seventy-five feet may be operated on the interstate highways of this state and such other highways as may be designated by the highways and transportation commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. All length provisions regarding automobile or boat transporters, truck-trailer boat transporter combinations and stinger-steered combinations shall include a semitrailer length not to exceed fifty-three feet and are exclusive of front and rear overhang, which shall be no greater than a three-foot front overhang and no greater than a four-foot rear overhang.

8. Driveaway saddlemount combinations having a length not in excess of ninety-seven feet may be operated on the interstate highways of this state and such other highways as may be designated by the highways and transportation commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. Saddlemount combinations must comply with the safety requirements of Section 393.71 of Title 49 of the Code of Federal Regulations and may contain no more than three saddlemounted vehicles and one fullmount.

9. No truck-tractor semitrailer-semi-trailer combination vehicles operated upon the interstate and designated primary highway system of this state shall have a semitrailer length in excess of twenty-eight feet or twenty-eight and one-half feet if the semitrailer was in actual and lawful operation in any state on December 1, 1982, operating in a truck-tractor semitrailer-semi-trailer combination. The B-train assembly is excluded from the measurement of semitrailer length when used between the first and second semitrailer of a truck-tractor semitrailer-semi-trailer combination, except that when there is no semitrailer mounted to the B-train assembly, it shall be included in the length measurement of the semitrailer.

10. The highways and transportation commission is authorized to designate routes on the state highway system other than the interstate system over which those combinations of vehicles of the lengths specified in subsections 5, 6, 7, 8 and 9 of this section may be operated. Combinations of vehicles operated under the provisions of subsections 5, 6, 7, 8 and 9 of this section may be operated at a distance not to exceed ten miles from the interstate system and such routes as designated under the provisions of this subsection.

11. Except as provided in subsections 5, 6, 7, 8, 9 and 10 of this section, no other combination of vehicles operated upon the primary or interstate highways of this state plus a distance of ten miles from a primary or interstate highway shall have an overall length, unladen or with load, in excess of sixty-five feet or in excess of fifty-five feet on any other highway, except the state highways and transportation commission may designate additional routes for use by sixty-five foot combinations, seventy-five foot stinger-steered combinations or seventy-five foot saddlemount combinations. Any vehicle or combination of vehicles transporting automobiles, boats or other motor vehicles may carry a load which extends no more than three feet beyond the front and four feet beyond the rear of the transporting vehicle or combination of vehicles.

12. (1) Except as hereinafter provided, these restrictions shall not apply to agricultural implements operating occasionally on the highways for short distances including tractor parades for fund-raising activities or special events, provided the tractors are driven by licensed drivers during daylight hours only and with the approval of the superintendent of the Missouri state highway patrol; or to self-propelled hay-hauling equipment or to implements of husbandry, or to the movement of farm products as defined in section 400.9-102 or to vehicles temporarily transporting agricultural implements or implements of husbandry or road-making machinery, or road materials or towing for repair purposes vehicles that have become disabled upon the highways; or to implement dealers delivering or moving farm machinery for repairs on any state highway other than the interstate system.

(2) Implements of husbandry and vehicles transporting such machinery or equipment and the movement of farm products as defined in section 400.9-102 may be operated occasionally for short distances on state highways when operated between the hours of sunrise and sunset by a driver licensed as an operator or chauffeur.

**(3) Notwithstanding any other provision of law to the contrary, agricultural machinery and implements may be operated on state highways between the hours of sunset and sunrise for agricultural purposes provided such vehicles are equipped with lighting meeting the requirements of section 307.115.**

13. As used in this chapter the term "implements of husbandry" means all self-propelled machinery operated at speeds of less than thirty miles per hour, specifically designed for, or especially adapted to be capable of, incidental over-the-road and primary offroad usage and used exclusively for the application of commercial plant food materials or agricultural chemicals, and not specifically designed or intended for transportation of such chemicals and materials.

14. Sludge disposal units may be operated on all state highways other than the interstate system. Such units shall not exceed one hundred thirty-eight inches in width and may be equipped with over-width tires. Such units shall observe all axle weight limits. The chief engineer of the state transportation department shall issue



special permits for the movement of such disposal units and may by such permits restrict the movements to specified routes, days and hours."; and

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

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

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

*House Amendment No. 4*

AMEND Senate Bill No. 222, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"287.020. 1. The word "employee" as used in this chapter shall be construed to mean every person in the service of any employer, as defined in this chapter, under any contract of hire, express or implied, oral or written, or under any appointment or election, including executive officers of corporations. Except as otherwise provided in section 287.200, any reference to any employee who has been injured shall, when the employee is dead, also include his dependents, and other persons to whom compensation may be payable.

The word "employee" shall also include all minors who work for an employer, whether or not such minors are employed in violation of law, and all such minors are hereby made of full age for all purposes under, in connection with, or arising out of this chapter. The word "employee" shall not include an individual who is the owner, as defined in ~~subdivision (42) of~~ section 301.010, and operator of a motor vehicle which is leased or contracted with a driver to a for-hire motor carrier operating within a commercial zone as defined in section 390.020 or 390.041, or operating under a certificate issued by the Missouri department of transportation or by the United States Department of Transportation, or any of its subagencies. The word "employee" also shall not include any person performing services for board, lodging, aid, or sustenance received from any religious, charitable, or relief organization.

2. The word "accident" as used in this chapter shall mean an unexpected traumatic event or unusual strain identifiable by time and place of occurrence and producing at the time objective symptoms of an injury caused by a specific event during a single work shift. An injury is not compensable because work was a triggering or precipitating factor.

3. (1) In this chapter the term "injury" is hereby defined to be an injury which has arisen out of and in the course of employment. An injury by accident is compensable only if the accident was the prevailing factor in causing both the resulting medical condition and disability. "The prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability.

(2) An injury shall be deemed to arise out of and in the course of the employment only if:

(a) It is reasonably apparent, upon consideration of all the circumstances, that the accident is the prevailing factor in causing the injury; and

(b) It does not come from a hazard or risk unrelated to the employment to which workers would have been equally exposed outside of and unrelated to the employment in normal nonemployment life.

(3) An injury resulting directly or indirectly from idiopathic causes is not compensable.

(4) A cardiovascular, pulmonary, respiratory, or other disease, or cerebrovascular accident or myocardial infarction suffered by a worker is an injury only if the accident is the prevailing factor in causing the resulting medical condition.

(5) The terms "injury" and "personal injuries" shall mean violence to the physical structure of the body and to the personal property which is used to make up the physical structure of the body, such as artificial dentures, artificial limbs, glass eyes, eyeglasses, and other prostheses which are placed in or on the body to replace the physical structure and such disease or infection as naturally results therefrom. These terms shall in no case except as specifically provided in this chapter be construed to include occupational disease in any form, nor shall they be construed to include any contagious or infectious disease contracted during the course of the employment, nor shall they include death due to natural causes occurring while the worker is at work.

4. "Death" when mentioned as a basis for the right to compensation means only death resulting from such violence and its resultant effects occurring within three hundred weeks after the accident; except that in cases of occupational disease, the limitation of three hundred weeks shall not be applicable.

5. Injuries sustained in company-owned or subsidized automobiles in accidents that occur while traveling from the employee's home to the employer's principal place of business or from the employer's principal place of business to the employee's home are not compensable. The extension of premises doctrine is abrogated to the extent it extends liability for accidents that occur on property not owned or controlled by the employer even if the accident occurs on customary, approved, permitted, usual or accepted routes used by the employee to get to and from their place of employment.

6. The term "total disability" as used in this chapter shall mean inability to return to any employment and not merely mean inability to return to the employment in which the employee was engaged at the time of the accident.

7. As used in this chapter and all acts amendatory thereof, the term "commission" shall hereafter be construed as meaning and referring exclusively to the labor and industrial relations commission of Missouri, and the term "director" shall hereafter be construed as meaning the director of the department of insurance, financial institutions and professional registration of the state of Missouri or such agency of government as shall exercise the powers and duties now conferred and imposed upon the department of insurance, financial institutions and professional registration of the state of Missouri.

8. The term "division" as used in this chapter means the division of workers' compensation of the department of labor and industrial relations of the state of Missouri.

9. For the purposes of this chapter, the term "minor" means a person who has not attained the age of eighteen years; except that, for the purpose of computing the compensation provided for in this chapter, the provisions of section 287.250 shall control.

10. In applying the provisions of this chapter, it is the intent of the legislature to reject and abrogate earlier case law interpretations on the meaning of or definition of "accident", "occupational disease", "arising out of", and "in the course of the employment" to include, but not be limited to, holdings in: *Bennett v. Columbia Health Care and Rehabilitation*, 80 S.W.3d 524 (Mo.App. W.D. 2002); *Kasl v. Bristol Care, Inc.*, 984 S.W.2d 852 (Mo.banc 1999); and *Drewes v. TWA*, 984 S.W.2d 512 (Mo.banc 1999) and all cases citing, interpreting, applying, or following those cases.

11. For the purposes of this chapter, "occupational diseases due to toxic exposure" shall only include the following: mesothelioma, asbestosis, berylliosis, coal worker's pneumoconiosis, bronchiolitis obliterans, silicosis, silicotuberculosis, manganism, acute myelogenous leukemia, and myelodysplastic syndrome.

287.040. 1. Any person who has work done under contract on or about his premises which is an operation of the usual business which he there carries on shall be deemed an employer and shall be liable under this chapter to such contractor, his subcontractors, and their employees, when injured or killed on or about the premises of the employer while doing work which is in the usual course of his business.

2. The provisions of this section shall not apply to the owner of premises upon which improvements are being erected, demolished, altered or repaired by an independent contractor but such independent contractor shall be deemed to be the employer of the employees of his subcontractors and their subcontractors when employed on or about the premises where the principal contractor is doing work.

3. In all cases mentioned in the preceding subsections, the immediate contractor or subcontractor shall be liable as an employer of the employees of his subcontractors. All persons so liable may be made parties to the proceedings on the application of any party. The liability of the immediate employer shall be primary, and that of the others secondary in their order, and any compensation paid by those secondarily liable may be recovered from those primarily liable, with attorney's fees and expenses of the suit. Such recovery may be had on motion in the original proceedings. No such employer shall be liable as in this section provided, if the employee was insured by his immediate or any intermediate employer.

4. The provisions of this section shall not apply to the relationship between a for-hire motor carrier operating within a commercial zone as defined in section 390.020 or 390.041 or operating under a certificate issued by the Missouri department of transportation or by the United States Department of Transportation, or any of its subagencies, and an owner, as defined in ~~subdivision (42) of~~ section 301.010, and operator of a motor vehicle.

288.035. Notwithstanding the provisions of section 288.034, in the case of an individual who is the owner, as defined in ~~subdivision (42) of~~ section 301.010, and operator of a motor vehicle which is leased or contracted with a driver to a for-hire common or contract motor vehicle carrier operating within a commercial zone as defined in section 390.020 or 390.041, or operating under a certificate issued by the Missouri department of transportation or by the United States Department of Transportation or any of its subagencies, such owner/operator shall not be deemed to be an employee, provided, however, such individual owner and operator shall be deemed to be in

employment if the for-hire common or contract vehicle carrier is an organization described in Section 501(c)(3) of the Internal Revenue Code or any governmental entity.

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the following terms mean:

- (1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires;
- (2) "Automobile transporter", any vehicle combination **capable of carrying cargo on the power unit and** designed and used ~~specifically~~ for the transport of assembled motor vehicles, **including truck camper units**;
- (3) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;
- (4) **"Backhaul", the return trip of a vehicle transporting cargo or general freight, especially when carrying goods back over all or part of the same route;**
- (5) "Boat transporter", any vehicle combination **capable of carrying cargo on the power unit and** designed and used specifically to transport assembled boats and boat hulls. **Boats may be partially disassembled to facilitate transporting;**
- ~~[(5)]~~ (6) "Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting;
- ~~[(6)]~~ (7) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;
- ~~[(7)]~~ (8) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses;
- ~~[(8)]~~ (9) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at speeds less than forty miles per hour from field to field or from field to market and return;
- ~~[(9)]~~ (10) "Dealer", any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;
- ~~[(10)]~~ (11) "Director" or "director of revenue", the director of the department of revenue;
- ~~[(11)]~~ (12) "Driveaway operation":
  - (a) The movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;
  - (b) The movement of any vehicle or vehicles, not owned by the transporter, constituting the commodity being transported, by a person engaged in the business of furnishing drivers and operators for the purpose of transporting vehicles in transit from one place to another by the driveaway or towaway methods; or
  - (c) The movement of a motor vehicle by any person who is lawfully engaged in the business of transporting or delivering vehicles that are not the person's own and vehicles of a type otherwise required to be registered, by the driveaway or towaway methods, from a point of manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent of a manufacturer or to any consignee designated by the shipper or consignor;
- ~~[(12)]~~ (13) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor equipped with a dromedary may carry part of a load when operating independently or in a combination with a semitrailer;
- ~~[(13)]~~ (14) "Farm tractor", a tractor used exclusively for agricultural purposes;
- ~~[(14)]~~ (15) "Fleet", any group of ten or more motor vehicles owned by the same owner;
- ~~[(15)]~~ (16) "Fleet vehicle", a motor vehicle which is included as part of a fleet;
- ~~[(16)]~~ (17) "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;
- ~~[(17)]~~ (18) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;
- ~~[(18)]~~ (19) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;
- ~~[(19)]~~ (20) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

~~[(20)]~~ (21) "Improved highway", a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

~~[(21)]~~ (22) "Intersecting highway", any highway which joins another, whether or not it crosses the same;

~~[(22)]~~ (23) "Junk vehicle", a vehicle which:

(a) Is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap; or

(b) Has been designated as junk or a substantially equivalent designation by this state or any other state;

~~[(23)]~~ (24) "Kit vehicle", a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin;

~~[(24)]~~ (25) "Land improvement contractors' commercial motor vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to:

(a) An area that extends not more than a radius of one hundred miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or

(b) An area that extends not more than a radius of fifty miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation. Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle;

~~[(25)]~~ (26) "Local commercial motor vehicle", a commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;

~~[(26)]~~ (27) "Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a one hundred-mile radius from such site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when operated on the national system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, such vehicle shall not exceed the weight limits of section 304.180, does not have more than four axles, and does not pull a trailer which has more than two axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimbing, debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local log truck. A local log truck may not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions of law to the contrary, such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds;

~~[(27)]~~ (28) "Local log truck tractor", a commercial motor vehicle which is registered under this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a one hundred-mile radius from such site, operates with a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national system of interstate and defense highways described in ~~[Title 23, Section 103(e) of the United States Code]~~ **23 U.S.C. Section 103, as amended**, such vehicle does not exceed the weight limits contained in section 304.180, and does not have more than three axles and does not pull a trailer which has more than two axles. Violations of axle weight limitations shall be subject to the load limit penalty as described for in sections 304.180 to 304.220;

~~[(28)]~~ (29) "Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

~~[(29)]~~ (30) "Log truck", a vehicle which is not a local log truck or local log truck tractor and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

~~[(30)]~~ (31) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

~~[(31)]~~ (32) "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

~~[(32)]~~ (33) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which receives a new, rebuilt or used engine, and which used the number stamped on the original engine as the vehicle identification number;

~~[(33)]~~ (34) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

~~[(34)]~~ (35) "Motor vehicle primarily for business use", any vehicle other than a recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over twelve thousand pounds:

(a) Offered for hire or lease; or

(b) The owner of which also owns ten or more such motor vehicles;

~~[(35)]~~ (36) "Motorcycle", a motor vehicle operated on two wheels;

~~[(36)]~~ (37) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground;

~~[(37)]~~ (38) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

~~[(38)]~~ (39) "Municipality", any city, town or village, whether incorporated or not;

~~[(39)]~~ (40) "Nonresident", a resident of a state or country other than the state of Missouri;

~~[(40)]~~ (41) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

~~[(41)]~~ (42) "Operator", any person who operates or drives a motor vehicle;

~~[(42)]~~ (43) "Owner", any person, firm, corporation or association, who holds the legal title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner ~~[for the purpose of this law];~~

~~[(43)]~~ (44) "Public garage", a place of business where motor vehicles are housed, stored, repaired, reconstructed or repainted for persons other than the owners or operators of such place of business;

~~[(44)]~~ (45) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the rebuilder, but does not include certificated common or contract carriers of persons or property;

~~[(45)]~~ (46) "Reconstructed motor vehicle", a vehicle that is altered from its original construction by the addition or substitution of two or more new or used major component parts, excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

~~[(46)]~~ (47) "Recreational motor vehicle", any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purposes of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein shall prevent any motor vehicle from being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered;

~~[(47)]~~ (48) "Recreational off-highway vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than sixty-seven inches in width, with an unladen dry weight of two thousand pounds or less, traveling on four or more nonhighway tires and which may have access to ATV trails;

~~[(48)]~~ (49) "Rollback or car carrier", any vehicle specifically designed to transport wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected to a wrecker or towing service;

~~[(49)]~~ (50) "Saddlemount combination", a combination of vehicles in which a truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner the combination is called a "double saddlemount combination". When three vehicles are towed in this manner, the combination is called a "triple saddlemount combination";

~~[(50)]~~ (51) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

~~[(51)]~~ (52) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

(a) Was damaged during a year that is no more than six years after the manufacturer's model year designation for such vehicle to the extent that the total cost of repairs to rebuild or reconstruct the vehicle to its condition immediately before it was damaged for legal operation on the roads or highways exceeds eighty percent of the fair market value of the vehicle immediately preceding the time it was damaged;

(b) By reason of condition or circumstance, has been declared salvage, either by its owner, or by a person, firm, corporation, or other legal entity exercising the right of security interest in it;

(c) Has been declared salvage by an insurance company as a result of settlement of a claim;

(d) Ownership of which is evidenced by a salvage title; or

(e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157 and designated with the words "salvage/abandoned property". The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition, "fair market value" means the retail value of a motor vehicle as:

a. Set forth in a current edition of any nationally recognized compilation of retail values, including automated databases, or from publications commonly used by the automotive and insurance industries to establish the values of motor vehicles;

b. Determined pursuant to a market survey of comparable vehicles with regard to condition and equipment; and

c. Determined by an insurance company using any other procedure recognized by the insurance industry, including market surveys, that is applied by the company in a uniform manner;

~~[(52)]~~ (53) "School bus", any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes;

~~[(53)]~~ (54) "Scrap processor", a business that, through the use of fixed or mobile equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for processing or transportation to a shredder or scrap metal operator for recycling;

~~[(54)]~~ (55) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;

~~[(55)]~~ (56) "Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

~~[(56)]~~ (57) "Specially constructed motor vehicle", a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

~~[(57)]~~ (58) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

~~[(58)]~~ (59) "Tandem axle", a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart;

**(60) "Towaway trailer transporter combination", a combination of vehicles consisting of a trailer transporter towing unit and two trailers or semitrailers, with a total weight that does not exceed twenty-six thousand pounds; and in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers;**

~~[(59)]~~ (61) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof;

~~[(60)]~~ (62) "Trailer", any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term trailer shall not

include cotton trailers as defined in ~~[subdivision (8) of]~~ this section and shall not include manufactured homes as defined in section 700.010;

**(63) "Trailer transporter towing unit", a power unit that is not used to carry property when operating in a towaway trailer transporter combination;**

~~[(64)]~~ **(64)** "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

~~[(62)]~~ **(65)** "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional A-dolly connected truck-tractor semitrailer-trailer combination;

~~[(63)]~~ **(66)** "Truck-trailer boat transporter combination", a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue;

~~[(64)]~~ **(67)** "Used parts dealer", a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. Business does not include isolated sales at a swap meet of less than three days;

~~[(65)]~~ **(68)** "Utility vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than sixty-seven inches in width, with an unladen dry weight of two thousand pounds or less, traveling on four or six wheels, to be used primarily for landscaping, lawn care, or maintenance purposes;

~~[(66)]~~ **(69)** "Vanpool", any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term bus or commercial motor vehicle as defined ~~by subdivisions (6) and (7) of]~~ in this section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section 303.020; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement;

~~[(67)]~~ **(70)** "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons;

~~[(68)]~~ **(71)** "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

~~[(69)]~~ **(72)** "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain.

301.031. Notwithstanding the twenty-five mile operations limit imposed in ~~[subdivision (24) of]~~ section 301.010 upon local commercial motor vehicles, a local commercial motor vehicle licensed for forty-eight thousand pounds gross weight and above may be used to haul solid waste as defined in section 260.200 up to sixty miles from the municipality in which its operations are otherwise confined and still be eligible to register as a local commercial motor vehicle.

301.227. 1. Whenever a vehicle is sold for salvage, dismantling or rebuilding, the purchaser shall forward to the director of revenue within ten days the certificate of ownership or salvage certificate of title and the proper application and fee of eight dollars and fifty cents, and the director shall issue a negotiable salvage certificate of title to the purchaser of the salvaged vehicle. On vehicles purchased during a year that is no more than six years after the manufacturer's model year designation for such vehicle, it shall be mandatory that the purchaser apply for a salvage title. On vehicles purchased during a year that is more than six years after the manufacturer's model year designation for such vehicle, then application for a salvage title shall be optional on the part of the purchaser. Whenever a vehicle is sold for destruction and a salvage certificate of title, junking certificate, or certificate of

ownership exists, the seller, if licensed under sections 301.217 to 301.221, shall forward the certificate to the director of revenue within ten days, with the notation of the date sold for destruction and the name of the purchaser clearly shown on the face of the certificate.

2. Whenever a vehicle is classified as "junk", as defined in section 301.010, the purchaser may forward to the director of revenue a properly completed application for a junking certificate as well as the salvage certificate of title or certificate of ownership and the director shall issue a negotiable junking certificate to the purchaser of the vehicle. The director may also issue a junking certificate to a possessor of a vehicle manufactured twenty-six years or more prior to the current model year who has a bill of sale for said vehicle but does not possess a certificate of ownership, provided no claim of theft has been made on the vehicle and the highway patrol has by letter stated the vehicle is not listed as stolen after checking the registration number through its nationwide computer system. Such junking certificate may be granted within thirty days of the submission of a request. A junking certificate shall authorize the holder to possess, transport, or, by assignment, transfer ownership in such parts, scrap, or junk.

3. For any vehicle issued a junking certificate or such similar document or classification pursuant to the laws of another state, regardless of whether such designation has been subsequently changed by law in any other state, the department shall only issue a junking certificate, and a salvage certificate of title or original certificate of ownership shall not thereafter be issued for such vehicle. Notwithstanding the provisions of this subsection, if the vehicle has not previously been classified as a junk vehicle, the applicant making the original junking certification application shall, within ninety days, be allowed to rescind his application for a junking certificate by surrendering the junking certificate and apply for a salvage certificate of title in his name. The seller of a vehicle for which a junking certificate has been applied for or issued shall disclose such fact in writing to any prospective buyers before sale of such vehicle; otherwise the sale shall be voidable at the option of the buyer.

4. No scrap metal operator shall acquire or purchase a motor vehicle or parts thereof without, at the time of such acquisition, receiving the original certificate of ownership or salvage certificate of title or junking certificate from the seller of the vehicle or parts, unless the seller is a licensee under sections 301.219 to 301.221.

5. All titles and certificates required to be received by scrap metal operators from nonlicensees shall be forwarded by the operator to the director of revenue within ten days of the receipt of the vehicle or parts.

6. The scrap metal operator shall keep a record, for three years, of the seller's name and address, the salvage business license number of the licensee, date of purchase, and any vehicle or parts identification numbers open for inspection as provided in section 301.225.

7. Notwithstanding any other provision of this section, a motor vehicle dealer as defined in section 301.550 and licensed under the provisions of sections 301.550 to 301.572 may negotiate one reassignment of a salvage certificate of title on the back thereof.

8. Notwithstanding the provisions of subsection 1 of this section, an insurance company which settles a claim for a stolen vehicle may apply for and shall be issued a negotiable salvage certificate of title without the payment of any fee upon proper application within thirty days after settlement of the claim for such stolen vehicle. However, if the insurance company upon recovery of a stolen vehicle determines that the stolen vehicle has not sustained damage to the extent that the vehicle would have otherwise been declared a salvage vehicle pursuant to ~~subdivision (51) of~~ section 301.010, then the insurance company may have the vehicle inspected by the Missouri state highway patrol, or other law enforcement agency authorized by the director of revenue, in accordance with the inspection provisions of subsection 9 of section 301.190. Upon receipt of title application, applicable fee, the completed inspection, and the return of any previously issued negotiable salvage certificate, the director shall issue an original title with no salvage or prior salvage designation. Upon the issuance of an original title the director shall remove any indication of the negotiable salvage title previously issued to the insurance company from the department's electronic records.

9. Notwithstanding subsection 4 of this section or any other provision of the law to the contrary, if a motor vehicle is inoperable and is at least ten model years old, or the parts are from a motor vehicle that is inoperable and is at least ten model years old, a scrap metal operator may purchase or acquire such motor vehicle or parts without receiving the original certificate of ownership, salvage certificate of title, or junking certificate from the seller of the vehicle or parts, provided the scrap metal operator verifies with the department of revenue, via the department's online record access, that the motor vehicle is not subject to any recorded security interest or lien and the scrap metal operator complies with the requirements of this subsection. In lieu of forwarding certificates of title or ownership for such motor vehicles as required by subsection 5 of this section, the scrap metal operator shall forward a copy of the seller's state identification **card** along with a bill of sale to the department of revenue. The bill of sale form shall be designed by the director and such form shall include, but not be limited to, a certification that the motor vehicle is at least ten model years old, is inoperable, is not subject to any recorded security interest or lien, and a certification by the seller that the seller has the legal authority to sell or otherwise transfer the seller's interest in the motor vehicle



or parts. Upon receipt of the information required by this subsection, the department of revenue shall cancel any certificate of title or ownership and registration for the motor vehicle. If the motor vehicle is inoperable and at least twenty model years old, then the scrap metal operator shall not be required to verify with the department of revenue whether the motor vehicle is subject to any recorded security interests or liens. As used in this subsection, the term "inoperable" means a motor vehicle that is in a rusted, wrecked, discarded, worn out, extensively damaged, dismantled, and mechanically inoperative condition and the vehicle's highest and best use is for scrap purposes. The director of the department of revenue is directed to promulgate rules and regulations to implement and administer the provisions of this section, including but not limited to, the development of a uniform bill of sale. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

301.550. 1. The definitions contained in section 301.010 shall apply to sections 301.550 to 301.573, and in addition as used in sections 301.550 to 301.573, the following terms mean:

(1) "Boat dealer", any natural person, partnership, or corporation who, for a commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents with the option to purchase, offers, attempts to sell, or negotiates the sale of any vessel or vessel trailer, whether or not the vessel or vessel trailer is owned by such person. The sale of six or more vessels or vessel trailers or both in any calendar year shall be required as evidence that such person is eligible for licensure as a boat dealer under sections 301.550 to 301.573. The boat dealer shall demonstrate eligibility for renewal of his license by selling six or more vessels or vessel trailers or both in the prior calendar year while licensed as a boat dealer pursuant to sections 301.550 to 301.573;

(2) "Boat manufacturer", any person engaged in the manufacturing, assembling or modification of new vessels or vessel trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of vessels or vessel trailers;

(3) "Department", the Missouri department of revenue;

(4) "Director", the director of the Missouri department of revenue;

(5) "Emergency vehicles", motor vehicles used as ambulances, law enforcement vehicles, and fire fighting and assistance vehicles;

(6) "Manufacturer", any person engaged in the manufacturing, assembling or modification of new motor vehicles or trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of motor vehicles or accessories for motor vehicles;

(7) "Motor vehicle broker", a person who holds himself out through solicitation, advertisement, or otherwise as one who offers to arrange a transaction involving the retail sale of a motor vehicle, and who is not:

(a) A dealer, or any agent, or any employee of a dealer when acting on behalf of a dealer;

(b) A manufacturer, or any agent, or employee of a manufacturer when acting on behalf of a manufacturer;

(c) The owner of the vehicle involved in the transaction; or

(d) A public motor vehicle auction or wholesale motor vehicle auction where buyers are licensed dealers in this or any other jurisdiction;

(8) "Motor vehicle dealer" or "dealer", any person who, for commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents with the option to purchase, or who offers or attempts to sell or negotiates the sale of motor vehicles or trailers whether or not the motor vehicles or trailers are owned by such person; provided, however, an individual auctioneer or auction conducted by an auctioneer licensed pursuant to chapter 343 shall not be included within the definition of a motor vehicle dealer. The sale of six or more motor vehicles or trailers in any calendar year shall be required as evidence that such person is engaged in the motor vehicle business and is eligible for licensure as a motor vehicle dealer under sections 301.550 to 301.573. Any motor vehicle dealer licensed before August 28, 2007, shall be required to meet the minimum calendar year sales of six or more motor vehicles provided the dealer can prove the business achieved, cumulatively, six or more sales per year for the preceding twenty-four months in business; or if the dealer has not been in business for twenty-four months, the cumulative equivalent of one sale every two months for the months the

dealer has been in business before August 28, 2007. Any licensed motor vehicle dealer failing to meet the minimum vehicle sales requirements as referenced in this subsection shall not be qualified to renew his or her license for one year. Applicants who reapply after the one-year period shall meet the requirement of six sales per year;

(9) "New motor vehicle", any motor vehicle being transferred for the first time from a manufacturer, distributor or new vehicle dealer which has not been registered or titled in this state or any other state and which is offered for sale, barter or exchange by a dealer who is franchised to sell, barter or exchange that particular make of motor vehicle. The term "new motor vehicle" shall not include manufactured homes, as defined in section 700.010;

(10) "New motor vehicle franchise dealer", any motor vehicle dealer who has been franchised to deal in a certain make of motor vehicle by the manufacturer or distributor of that make and motor vehicle and who may, in line with conducting his business as a franchise dealer, sell, barter or exchange used motor vehicles;

(11) "Person" includes an individual, a partnership, corporation, an unincorporated society or association, joint venture or any other entity;

(12) "Powersport dealer", any motor vehicle dealer who sells, either pursuant to a franchise agreement or otherwise, primarily motor vehicles including but not limited to motorcycles, all-terrain vehicles, and personal watercraft, as those terms are defined in this chapter and chapter 306;

(13) "Public motor vehicle auction", any person, firm or corporation who takes possession of a motor vehicle whether by consignment, bailment or any other arrangement, except by title, for the purpose of selling motor vehicles at a public auction by a licensed auctioneer;

(14) "Recreational motor vehicle dealer", a dealer of new or used motor vehicles designed, constructed or substantially modified for use as temporary housing quarters, including sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle;

(15) "Storage lot", an area within the same city or county where a dealer may store excess vehicle inventory;

(16) "Trailer dealer", any person selling, either exclusively or otherwise, trailers as defined in ~~subdivision (60) of~~ section 301.010. A trailer dealer may acquire a motor vehicle for resale only as a trade-in for a trailer. Notwithstanding the provisions of ~~subdivision (11) of~~ section 301.010 and section 301.069, trailer dealers may purchase one driveaway license plate to display such motor vehicle for demonstration purposes. The sale of six or more trailers in any calendar year shall be required as evidence that such person is engaged in the trailer business and is eligible for licensure as a trailer dealer under sections 301.550 to 301.573. Any trailer dealer licensed before August 28, 2007, shall be required to meet the minimum calendar year sales of six or more trailers provided the dealer can prove the business achieved, cumulatively, six or more sales per year for the preceding twenty-four months in business; or if the dealer has not been in business for twenty-four months, the cumulative equivalent of one sale every two months for the months the dealer has been in business before August 28, 2007. Any licensed trailer dealer failing to meet the minimum trailer and vehicle sales requirements as referenced in this subsection shall not be qualified to renew his or her license for one year. Applicants who reapply after the one-year period shall meet the requirement of six sales per year;

(17) "Used motor vehicle", any motor vehicle which is not a new motor vehicle, as defined in sections 301.550 to 301.573, and which has been sold, bartered, exchanged or given away or which may have had a title issued in this state or any other state, or a motor vehicle so used as to be what is commonly known as a secondhand motor vehicle. In the event of an assignment of the statement of origin from an original franchise dealer to any individual or other motor vehicle dealer other than a new motor vehicle franchise dealer of the same make, the vehicle so assigned shall be deemed to be a used motor vehicle and a certificate of ownership shall be obtained in the assignee's name. The term "used motor vehicle" shall not include manufactured homes, as defined in section 700.010;

(18) "Used motor vehicle dealer", any motor vehicle dealer who is not a new motor vehicle franchise dealer;

(19) "Vessel", every boat and watercraft defined as a vessel in section 306.010;

(20) "Vessel trailer", any trailer, as defined by section 301.010 which is designed and manufactured for the purposes of transporting vessels;

(21) "Wholesale motor vehicle auction", any person, firm or corporation in the business of providing auction services solely in wholesale transactions at its established place of business in which the purchasers are motor vehicle dealers licensed by this or any other jurisdiction, and which neither buys, sells nor owns the motor vehicles it auctions in the ordinary course of its business. Except as required by law with regard to the auction sale of a government-owned motor vehicle, a wholesale motor vehicle auction shall not provide auction services in connection with the retail sale of a motor vehicle;

(22) "Wholesale motor vehicle dealer", a motor vehicle dealer who sells motor vehicles only to other new motor vehicle franchise dealers or used motor vehicle dealers or via auctions limited to other dealers of any class.

2. For purposes of sections 301.550 to 301.573, neither the term motor vehicle nor the term trailer shall include manufactured homes, as defined in section 700.010.

3. Dealers shall be divided into classes as follows:

- (1) Boat dealers;
- (2) Franchised new motor vehicle dealers;
- (3) Used motor vehicle dealers;
- (4) Wholesale motor vehicle dealers;
- (5) Recreational motor vehicle dealers;
- (6) Historic motor vehicle dealers;
- (7) Classic motor vehicle dealers;
- (8) Powersport dealers; and
- (9) Trailer dealers.

304.170. 1. No vehicle operated upon the highways of this state shall have a width, including load, in excess of one hundred two inches, except clearance lights, rearview mirrors or other accessories required by federal, state or city law or regulation. Provided however, a recreational vehicle as defined in section 700.010 may exceed the foregoing width limits if the appurtenances on such recreational vehicle extend no further than the rearview mirrors. Such mirrors may only extend the distance necessary to provide the required field of view before the appurtenances were attached.

2. No vehicle operated upon the interstate highway system or upon any route designated by the ~~chief engineer of the state transportation department~~ **state highways and transportation commission** shall have a height, including load, in excess of fourteen feet. On all other highways, no vehicle shall have a height, including load, in excess of thirteen and one-half feet, except that any vehicle or combination of vehicles transporting automobiles or other motor vehicles may have a height, including load, of not more than fourteen feet.

3. No single motor vehicle operated upon the highways of this state shall have a length, including load, in excess of forty-five feet, except as otherwise provided in this section.

4. No bus, recreational motor vehicle or trackless trolley coach operated upon the highways of this state shall have a length in excess of forty-five feet, except that such vehicles may exceed the forty-five feet length when such excess length is caused by the projection of a front safety bumper or a rear safety bumper or both. Such safety bumper shall not cause the length of the bus or recreational motor vehicle to exceed the forty-five feet length limit by more than one foot in the front and one foot in the rear.

The term "safety bumper" means any device which may be fitted on an existing bumper or which replaces the bumper and is so constructed, treated, or manufactured that it absorbs energy upon impact.

5. No combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the highways of this state shall have a length, including load, in excess of sixty feet; except that in order to comply with the provisions of Title 23 of the United States Code (Public Law 97-424), no combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer or truck-tractor equipped with dromedary and semitrailer. The length of such semitrailer shall not exceed fifty-three feet.

6. In order to comply with the provisions of Title 23 of the United States Code (Public Law 97-424), no combination of truck-tractor, semitrailer and trailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer and trailer, neither of which semitrailer or trailer shall exceed twenty-eight feet in length, except that any existing semitrailer or trailer up to twenty-eight and one-half feet in length actually and lawfully operated on December 1, 1982, within a sixty-five foot overall length limit in any state, may continue to be operated upon the interstate highways of this state. On those primary highways not designated by the state highways and transportation commission as provided in subsection ~~[40]~~ **11** of this section, no combination of truck-tractor, semitrailer and trailer shall have an overall length, including load, in excess of sixty-five feet; provided, however, the ~~[state highways and transportation]~~ **commission** may designate additional routes for such sixty-five foot combinations.

7. Automobile transporters, boat transporters, truck-trailer boat transporter combinations, ~~[stinger-steered combination automobile transporters]~~ and stinger-steered combination boat transporters having a length not in excess of seventy-five feet may be operated on the interstate highways of this state and such other highways as may be designated by the ~~[highways and transportation]~~ **commission** for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. All length provisions regarding automobile or boat

transporters, truck-trailer boat transporter combinations and stinger-steered ~~[combinations]~~ **combination boat transporters** shall include a semitrailer length not to exceed fifty-three feet and are exclusive of front and rear overhang, which shall be no greater than a three-foot front overhang and no greater than a four-foot rear overhang.

**(1) Stinger-steered combination automobile transporters having a length not in excess of eighty feet may be operated on the interstate highways of this state and such other highways as may be designated by the commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. All length provisions regarding stinger-steered automobile combination transporters are exclusive of front and rear overhang, which shall be no greater than a four-foot front overhang and no greater than a six-foot rear overhang.**

**(2) Automobile transporters may transport cargo or general freight on a backhaul, as long as in compliance with weight limitations for a truck-tractor and semitrailer combination as outlined in section 304.180.**

8. Driveaway saddlemount combinations having a length not in excess of ninety-seven feet may be operated on the interstate highways of this state and such other highways as may be designated by the ~~[highways and transportation]~~ commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. Saddlemount combinations must comply with the safety requirements of Section 393.71 of Title 49 of the Code of Federal Regulations and may contain no more than three saddlemounted vehicles and one fullmount.

9. No truck-tractor semitrailer-semitrailer combination vehicles operated upon the interstate and designated primary highway system of this state shall have a semitrailer length in excess of twenty-eight feet or twenty-eight and one-half feet if the semitrailer was in actual and lawful operation in any state on December 1, 1982, operating in a truck-tractor semitrailer-semitrailer combination. The B-train assembly is excluded from the measurement of semitrailer length when used between the first and second semitrailer of a truck-tractor semitrailer-semitrailer combination, except that when there is no semitrailer mounted to the B-train assembly, it shall be included in the length measurement of the semitrailer.

**10. No towaway trailer transporter combination vehicles operated upon the interstate and designated primary highway system of this state shall have an overall length of more than eighty-two feet.**

**11.** The ~~[highways and transportation]~~ commission is authorized to designate routes on the state highway system other than the interstate system over which those combinations of vehicles of the lengths specified in subsections 5, 6, 7, 8, ~~[and]~~ 9, **and 10** of this section may be operated. Combinations of vehicles operated under the provisions of subsections 5, 6, 7, 8, ~~[and]~~ 9, **and 10** of this section may be operated at a distance not to exceed ten miles from the interstate system and such routes as designated under the provisions of this subsection.

~~12.~~ **12.** Except as provided in subsections 5, 6, 7, 8, 9, ~~[and]~~ 10, **and 11** of this section, no other combination of vehicles operated upon the primary or interstate highways of this state plus a distance of ten miles from a primary or interstate highway shall have an overall length, unladen or with load, in excess of sixty-five feet or in excess of fifty-five feet on any other highway~~[-except the state highways and transportation commission may designate additional routes for use by sixty-five foot combinations, seventy-five foot stinger-steered or seventy-five foot saddlemount combinations. Any vehicle or combination of vehicles transporting automobiles, boats or other motor vehicles may carry a load which extends no more than three feet beyond the front and four feet beyond the rear of the transporting vehicle or combination of vehicles].~~

~~13.~~ **13.** (1) Except as hereinafter provided, these restrictions shall not apply to agricultural implements operating occasionally on the highways for short distances including tractor parades for fund-raising activities or special events, provided the tractors are driven by licensed drivers during daylight hours only and with the approval of the superintendent of the Missouri state highway patrol; or to self-propelled hay-hauling equipment or to implements of husbandry, or to the movement of farm products as defined in section 400.9-102 or to vehicles temporarily transporting agricultural implements or implements of husbandry or road-making machinery, or road materials or towing for repair purposes vehicles that have become disabled upon the highways; or to implement dealers delivering or moving farm machinery for repairs on any state highway other than the interstate system.

(2) Implements of husbandry and vehicles transporting such machinery or equipment and the movement of farm products as defined in section 400.9-102 may be operated occasionally for short distances on state highways when operated between the hours of sunrise and sunset by a driver licensed as an operator or chauffeur.

~~14.~~ **14.** As used in this chapter the term "implements of husbandry" means all self-propelled machinery operated at speeds of less than thirty miles per hour, specifically designed for, or especially adapted to be capable of, incidental over-the-road and primary offroad usage and used exclusively for the application of commercial plant food materials or agricultural chemicals, and not specifically designed or intended for transportation of such chemicals and materials.

[14-] 15. Sludge disposal units may be operated on all state highways other than the interstate system. Such units shall not exceed one hundred thirty-eight inches in width and may be equipped with over-width tires. Such units shall observe all axle weight limits. The ~~[chief engineer of the state transportation department]~~ **commission** shall issue special permits for the movement of such disposal units and may by such permits restrict the movements to specified routes, days and hours.

304.180. 1. No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020 shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.

2. An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet between the extremes  
of any group of two or more consecutive  
axles, measured to the nearest foot,  
except where indicated otherwise  
Maximum load in pounds  
feet 2 axles 3 axles 4 axles 5 axles 6 axles

4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	34,000			
More than 8	38,000	42,000			
9	39,000	42,500			
10	40,000	43,500			
11	40,000	44,000			
12	40,000	45,000	50,000		
13	40,000	45,500	50,500		
14	40,000	46,500	51,500		
15	40,000	47,000	52,000		
16	40,000	48,000	52,500	58,000	
17	40,000	48,500	53,500	58,500	
18	40,000	49,500	54,000	59,000	
19	40,000	50,000	54,500	60,000	
20	40,000	51,000	55,500	60,500	66,000
21	40,000	51,500	56,000	61,000	66,500
22	40,000	52,500	56,500	61,500	67,000
23	40,000	53,000	57,500	62,500	68,000
24	40,000	54,000	58,000	63,000	68,500
25	40,000	54,500	58,500	63,500	69,000
26	40,000	55,500	59,500	64,000	69,500
27	40,000	56,000	60,000	65,000	70,000
28	40,000	57,000	60,500	65,500	71,000
29	40,000	57,500	61,500	66,000	71,500
30	40,000	58,500	62,000	66,500	72,000

31	40,000	59,000	62,500	67,500	72,500
32	40,000	60,000	63,500	68,000	73,000
33	40,000	60,000	64,000	68,500	74,000
34	40,000	60,000	64,500	69,000	74,500
35	40,000	60,000	65,500	70,000	75,000
36		60,000	66,000	70,500	75,500
37		60,000	66,500	71,000	76,000
38		60,000	67,500	72,000	77,000
39		60,000	68,000	72,500	77,500
40		60,000	68,500	73,000	78,000
41		60,000	69,500	73,500	78,500
42		60,000	70,000	74,000	79,000
43		60,000	70,500	75,000	80,000
44		60,000	71,500	75,500	80,000
45		60,000	72,000	76,000	80,000
46		60,000	72,500	76,500	80,000
47		60,000	73,500	77,500	80,000
48		60,000	74,000	78,000	80,000
49		60,000	74,500	78,500	80,000
50		60,000	75,500	79,000	80,000
51		60,000	76,000	80,000	80,000
52		60,000	76,500	80,000	80,000
53		60,000	77,500	80,000	80,000
54		60,000	78,000	80,000	80,000
55		60,000	78,500	80,000	80,000
56		60,000	79,500	80,000	80,000
57		60,000	80,000	80,000	80,000

Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the [state highways and transportation] commission to enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.

5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of [Section 127 of Title 23 of the United States Code] P.L. 97-424 codified in Title 23 of the United States Code (23 U.S.C. Section 101, et al.), as amended.

6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in subsections 9, [and] 10, 12, and 13 of this section.

7. Notwithstanding any provision of this section to the contrary, the [department of transportation] **commission** shall issue a single-use special permit, or upon request of the owner of the truck or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or well-drillers' equipment. The [department of transportation] **commission** shall set fees for the issuance of permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, concrete pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways at any time on any day.

8. Notwithstanding the provision of this section to the contrary, the maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than five hundred fifty pounds. Upon request by an appropriate law enforcement officer, the vehicle

operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of idle reduction technology.

9. Notwithstanding any provision of this section or any other law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling milk, from a farm to a processing facility or livestock may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

10. Notwithstanding any provision of this section or any other law to the contrary, any vehicle or combination of vehicles hauling grain or grain coproducts during times of harvest may be as much as, but not exceeding, ten percent over the maximum weight limitation allowable under subsection 3 of this section while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

11. Notwithstanding any provision of this section or any other law to the contrary, the ~~[department of transportation]~~ **commission** shall issue emergency utility response permits for the transporting of utility wires or cables, poles, and equipment needed for repair work immediately following a disaster where utility service has been disrupted. Under exigent circumstances, verbal approval of such operation may be made either by the **department of transportation** motor carrier compliance supervisor or other designated motor carrier services representative. Utility vehicles and equipment used to assist utility companies granted special permits under this subsection may be operated and transported on state-maintained roads and highways at any time on any day. The ~~[department of transportation]~~ **commission** shall promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

**12. Notwithstanding any provision of this section, emergency vehicles designed to be used under emergency conditions to transport personnel and equipment and to mitigate hazardous situations may have a maximum gross vehicle weight of eighty-six thousand pounds inclusive of twenty-four thousand pounds on a single steering axle; thirty-three thousand five hundred pounds on a single drive axle; sixty-two thousand pounds on a tandem axle; or fifty-two thousand pounds on a tandem rear drive steer axle.**

**13. Notwithstanding any provision of this section, a vehicle operated by an engine fueled primarily by natural gas may operate upon the public highways of this state in excess of the vehicle weight limits set forth in this section by an amount that is equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system. In no event shall the maximum gross vehicle weight of the vehicle operating with a natural gas engine exceed eighty-two thousand pounds.";** and

Further amend said bill, Page 1, Section 307.005, Line 4, by inserting after all of said section and line the following:

"407.816. 1. As used in subdivision (7) of section 407.815, the term "motor vehicle" shall not include "trailer" as such term is defined in ~~[subdivision (60) of]~~ section 301.010.

2. Prior to August 1, 2002, the provisions of section 407.817, subdivisions (13), (17) and (18) of section 407.825 and section 407.826 shall not apply to recreational vehicle dealers or manufacturers.

3. As of August 1, 2002, the term "motor vehicle" as used in sections 407.810 to 407.835 shall not apply to recreational vehicles as defined in section 407.1320.";

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

Representative Davis offered **House Amendment No. 1 to House Amendment No. 4.**

*House Amendment No. 1*  
*to*  
*House Amendment No. 4*

AMEND House Amendment No. 4 to Senate Bill No. 222, Page 14, Line 33, by deleting said line and inserting in lieu thereof the following:

"front and one foot in the rear. **Notwithstanding any provision of this section to the contrary, an articulated bus, comprised of two or more sections connected by a flexible joint or other mechanism, may be up to sixty feet in length, not including safety bumpers which may extend one foot in front and one foot in the rear, and not including bicycle storage racks which may extend over the safety bumper by up to five feet when in the down position transporting a bicycle.**"; and

Further amend said amendment and page, Lines 40-41, by deleting said lines and inserting in lieu thereof the following:

"excess of sixty feet; except that in order to comply with the provisions of **Pub. L. 97-424 codified in** Title 23 of the United States Code [~~(Public Law 97-424)~~] **(23 U.S.C. Section 101 et al.), as amended**, no combination of truck-tractor and semitrailer or truck-tractor; and

Further amend said amendment and page, Lines 46-47, by deleting said lines and inserting in lieu thereof the following:

"6. In order to comply with the provisions of **Pub. L. 97-424 codified in** Title 23 of the United States Code [~~(Public Law 97-424)~~] **(23 U.S.C. Section 101 et al.), as amended**, no combination of truck-tractor, semitrailer and trailer operated upon the interstate"; and

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

On motion of Representative Davis, **House Amendment No. 1 to House Amendment No. 4** was adopted.

On motion of Representative Korman, **House Amendment No. 4, as amended**, was adopted.

Representative Austin moved the previous question.

Which motion was adopted by the following vote:

AYES: 108

Anderson	Andrews	Austin	Bahr	Barnes 60
Basye	Beard	Bernskoetter	Berry	Black
Bondon	Brown 57	Brown 94	Chipman	Christofanelli
Cierpiot	Conway 104	Cookson	Corlew	Cornejo
Crawford	Cross	Curtman	Davis	DeGroot
Dogan	Dohrman	Eggleston	Engler	Evans
Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker	Francis
Franklin	Frederick	Gannon	Grier	Haahr
Haefner	Hannegan	Hansen	Helms	Henderson
Higdon	Houghton	Houx	Hubrecht	Hurst
Johnson	Justus	Kelley 127	Kelly 141	Kidd
Kolkmeyer	Korman	Lant	Lauer	Lichtenegger
Love	Lynch	Marshall	Mathews	Matthiesen



McCaherty	McDaniel	Messenger	Miller	Moon
Morris	Muntzel	Neely	Pfautsch	Phillips
Pietzman	Pike	Plocher	Pogue	Redmon
Rehder	Reiboldt	Reisch	Remole	Rhoads
Roeber	Rone	Ross	Rowland 155	Ruth
Shaul 113	Shull 16	Shumake	Smith 163	Sommer
Stacy	Stephens 128	Swan	Tate	Taylor
Trent	Vescovo	Walker 3	White	Wiemann
Wilson	Wood	Mr. Speaker		

NOES: 041

Adams	Anders	Arthur	Bangert	Baringer
Barnes 28	Beck	Brown 27	Burnett	Burns
Conway 10	Curtis	Dunn	Ellebracht	Franks Jr
Gray	Green	Harris	Kendrick	Lavender
May	McCann Beatty	McCreery	Meredith 71	Merideth 80
Morgan	Mosley	Newman	Nichols	Peters
Pierson Jr	Quade	Razer	Roberts	Rowland 29
Runions	Smith 85	Stevens 46	Unsicker	Walker 74
Wessels				

PRESENT: 000

ABSENT WITH LEAVE: 013

Alferman	Brattin	Butler	Carpenter	Ellington
Gregory	Hill	McGaugh	McGee	Mitten
Roden	Schroer	Spencer		

VACANCIES: 001

On motion of Representative Korman, the title of **SB 222, as amended**, relating to motor vehicles, was agreed to.

On motion of Representative Korman, **SB 222, as amended**, was read the third time and passed by the following vote:

AYES: 150

Adams	Anders	Anderson	Andrews	Arthur
Austin	Bahr	Bangert	Baringer	Barnes 60
Barnes 28	Basye	Beard	Beck	Bernskoetter
Berry	Black	Bondon	Brattin	Brown 27
Brown 57	Brown 94	Burnett	Burns	Butler
Chipman	Christofanelli	Cierpiot	Conway 10	Conway 104
Cookson	Corlew	Cornejo	Crawford	Cross
Curtis	Curtman	Davis	DeGroot	Dogan
Dohrman	Dunn	Eggleston	Ellebracht	Ellington
Engler	Evans	Fitzpatrick	Fitzwater 144	Fitzwater 49
Fraker	Francis	Franklin	Franks Jr	Frederick
Gannon	Gray	Green	Gregory	Grier
Haahr	Haefner	Hannegan	Hansen	Harris
Helms	Henderson	Higdon	Houghton	Houx
Johnson	Justus	Kelley 127	Kelly 141	Kendrick
Kidd	Kolkmeyer	Korman	Lant	Lauer

Lavender	Lichtenegger	Love	Lynch	Matthiesen
May	McCaherty	McCann Beatty	McCreery	McDaniel
McGaugh	McGee	Meredith 71	Merideth 80	Messenger
Miller	Morgan	Morris	Mosley	Muntzel
Neely	Newman	Nichols	Peters	Pfautsch
Phillips	Pierson Jr	Pietzman	Pike	Plocher
Quade	Razer	Redmon	Rehder	Reiboldt
Reisch	Remole	Rhoads	Roberts	Roeber
Rone	Ross	Rowland 155	Rowland 29	Runions
Ruth	Schroer	Shaul 113	Shull 16	Shumake
Smith 85	Smith 163	Sommer	Stacy	Stephens 128
Stevens 46	Swan	Tate	Taylor	Trent
Unsicker	Vescovo	Walker 3	Walker 74	Wessels
White	Wiemann	Wilson	Wood	Mr. Speaker

NOES: 004

Hurst	Marshall	Moon	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 008

Alferman	Carpenter	Hill	Hubrecht	Mathews
Mitten	Roden	Spencer		

VACANCIES: 001

Speaker Pro Tem Haahr declared the bill passed.

**HCS SB 225**, relating to transportation, was taken up by Representative Davis.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 225, Page 19, Section 304.005, Line 13, by inserting after said section and line the following:

"304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, or a stationary vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation or a stationary vehicle owned by a contractor or subcontractor performing work for the department of transportation displaying lighted amber or amber and white lights, the driver of every motor vehicle shall:

(1) Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

3. The motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer.

4. An "emergency vehicle" is a vehicle of any of the following types:

(1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri capitol police, a conservation agent, or a state park ranger, those vehicles operated by enforcement personnel of the state highways and transportation commission, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer or coroner or by a privately owned emergency vehicle company;

(2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

(3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175;

(4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;

(5) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

(6) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of chapter 44;

(7) Any vehicle operated by an authorized employee of the department of corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

(8) Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of sections 260.500 to 260.550; ~~or~~

(9) Any vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation that is marked as a department of transportation emergency response or motorist assistance vehicle; **or**

**(10) Any vehicle owned and operated by the civil support team of the Missouri National Guard while in response to or during operations involving chemical, biological, or radioactive materials or in support of official requests from the state of Missouri involving unknown substances, hazardous materials, or as may be requested by the appropriate state agency acting on behalf of the governor.**

5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.

(2) The driver of an emergency vehicle may:

(a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the prima facie speed limit so long as the driver does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this subsection shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

6. No person shall purchase an emergency light as described in this section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

7. Violation of this section shall be deemed a class A misdemeanor."; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 225, Page 30, Section 304.190, Line 85, by inserting immediately after said section and line the following:

**"311.367. 1. The provisions of this section shall apply to all persons, firms, or corporations who own and operate more than one premises licensed to sell intoxicating liquor containing alcohol in excess of five percent by weight at retail.**

**2. Any person, firm, or corporation described in subsection 1 of this section, with the permission of the supervisor of liquor control, may designate one or more places in this state as a central warehouse to which intoxicating liquors, except beer and other intoxicating malt liquor, ordered and purchased by a person, firm, or corporation from licensed wholesalers in this state may be delivered by licensed wholesalers in this state and at which intoxicating liquors so owned by a person, firm, or corporation may be stored.**

**3. Any person, firm, or corporation described in subsection 1 of this section who owns and stores intoxicating liquors in a central warehouse may transfer all or any part of the intoxicating liquors, except beer and other intoxicating malt liquor, so stored from the central warehouse in this state to any premises licensed to sell intoxicating liquors at retail which is owned and operated by the same person, firm, or corporation and which is located in the state.";** and

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

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Bill No. 225, Page 30, Section 304.190, Line 85, by inserting after all of said section and line the following:

**"304.725. 1. A veteran displaying special license plates issued under section 301.145, 301.443, 301.451, [or] 301.456, [or a veteran who is a Bronze Star recipient] 301.3052, 301.3053, or 301.3075, or a Distinguished Service Cross recipient, Air Force Cross recipient, or Coast Guard Cross recipient who displays a placard issued under subsection 2 of this section may park his or her motor vehicle, weighing not more than six thousand pounds gross weight, without charge, in a metered parking space or in a parking lot or garage on any public college or university in the state of Missouri, except during a special event where a separate parking fee may apply.**

**2. A veteran who has been awarded the [military service award known as the "Bronze Star"] Distinguished Service Cross, Air Force Cross, Coast Guard Cross, or a veteran who qualifies for a special license plate under subsection 1 of this section may apply to the director of revenue for a removable windshield placard at no cost to the veteran. Upon application, such veteran shall present proof to the director of his or her receipt of such award. Such placard shall be hung from the front, middle rearview mirror of a parked motor vehicle and may not be hung from the mirror during operation. When there is no rearview mirror, the placard shall be displayed on the dashboard on the driver's side.**

**3. A local authority's compliance with this section is solely contingent upon the approval of its governing body.**

**4. This section does not exempt a vehicle displaying special license plates under section 301.145, 301.443, 301.451, [or] 301.456, 301.3052, 301.3053, or 301.3075, or displaying a placard as provided in subsection 2 of this section, from compliance with any other state law or ordinance, including, but not limited to, vehicle height restrictions, zones that prohibit stopping, parking, or standing of all vehicles, parking time limitations, street sweeping, restrictions of the parking space to a particular type of vehicle, or the parking of a vehicle that is involved in the operation of a street vending business.**

**5. This section does not authorize a vehicle displaying special license plates under section 301.145, 301.443, 301.451, [or] 301.456, 301.3052, 301.3053, or 301.3075, or displaying a placard as provided in subsection 2 of this section, to park in a state parking facility that is designated only for state employees.**

6. This section does not authorize a vehicle displaying special license plates under section 301.145, 301.443, 301.451, ~~301.456~~, **301.3052, 301.3053, or 301.3075**, or displaying a placard as provided in subsection 2 of this section, to park during time periods other than the normal business hours of, or the maximum time allotted by, a state or local authority parking facility.

7. This section does not require the state or a local authority to designate specific parking spaces for vehicles displaying special license plates under section 301.145, 301.443, 301.451, ~~301.456~~, **301.3052, 301.3053, or 301.3075**, or displaying a placard as provided in subsection 2 of this section."; and

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

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

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

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Bill No. 225, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

"226.520. On and after March 30, 1972, no outdoor advertising shall be erected or maintained within six hundred sixty feet of the nearest edge of the right-of-way and visible from the main traveled way of any highway which is part of the federal-aid primary highways as of June 1, 1991, and all highways designated as part of the National Highway System by the National Highway System Designation Act of 1995 and those highways subsequently designated as part of the National Highway System in this state except the following:

(1) Directional and other official signs, including, but not limited to, signs pertaining to natural wonders, scenic, cultural (including agricultural activities or attractions), scientific, educational, religious sites, and historical attractions, which are required or authorized by law, and which comply with regulations which shall be promulgated by the department relative to their lighting, size, number, spacing and such other requirements as may be appropriate to implement sections 226.500 to 226.600, but such regulations shall not be inconsistent with, nor more restrictive than, such national standards as may be promulgated from time to time by the Secretary of the Department of Transportation of the United States, under subsection (c) of Section 131 of Title 23 of the United States Code, **and two-year colleges shall qualify for substantially the same signs as traditional four-year colleges, theological schools, and seminaries;**

(2) Signs, displays, and devices advertising activities conducted on the property upon which they are located, or services and products therein provided;

(3) Outdoor advertising located in areas which are zoned industrial, commercial or the like as provided in sections 226.500 to 226.600 or under other authority of law;

(4) Outdoor advertising located in unzoned commercial or industrial areas as defined and determined pursuant to sections 226.500 to 226.600;

(5) Outdoor advertising for tourist-oriented businesses, and scoreboards used in sporting events or other electronic signs with changeable messages which are not prohibited by federal regulations or local zoning ordinances. Outdoor advertising which is authorized by this subdivision (5) shall only be allowed to the extent that such outdoor advertising is not prohibited by Title 23, United States Code, Section 131, as now or thereafter amended, and lawful regulations promulgated thereunder. The general assembly finds and declares it to be the policy of the state of Missouri that the tourism industry is of major and critical importance to the economic well-being of the state and that directional signs, displays and devices providing directional information about goods and services in the interest of the traveling public are essential to the economic welfare of the tourism industry. The general assembly further finds and declares that the removal of directional signs advertising tourist-oriented businesses is harmful to the tourism industry in Missouri and that the removal of directional signs within or near areas of the state where there is high concentration of tourist-oriented businesses would have a particularly harmful effect upon the economies within such areas. The state highways and transportation commission is authorized and directed to determine those specific areas of the state of Missouri in which there is high concentration of tourist-oriented businesses, and within such areas, no directional signs, displays and devices which are lawfully erected,

which are maintained in good repair, which provide directional information about goods and services in the interest of the traveling public, and which would otherwise be required to be removed because they are not allowed to be maintained under the provisions of sections 226.500 through 226.600 shall be required to be removed until such time as such removal has been finally ordered by the United States Secretary of Transportation;

(6) The provisions of this section shall not be construed to require removal of signs advertising churches or items of religious significance, items of native arts and crafts, woodworking in native products, or native items of artistic, historical, geologic significance, or hospitals or airports."; and

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

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

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

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Bill No. 225, Page 30, Section 407.816, Line 7, by inserting immediately after all of said section and line the following:

**"Section 1. 1. Notwithstanding any provision of law to the contrary, all weigh station bypass service providers shall have full and open access to each commercial weigh station bypass site in the state for the purposes of installing, modifying, and maintaining the necessary infrastructure to provide weigh station bypass services. Such access shall be provided to weigh station bypass service providers on a nondiscriminatory basis.**

**2. For the purposes of this section, a "weigh station bypass service provider" shall be defined as any provider of weigh station bypass measurement weights, readings, or measurements of motor vehicle axle weights and gross motor vehicle weights using technology including, but not limited to, weigh-in-motion devices.**

**3. The provisions of this section shall terminate on December 31, 2032.";** and

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

Representative Berry moved that **House Amendment No. 5** be adopted.

Which motion was defeated by the following vote, the ayes and noes having been demanded by Representative Kolkmeier:

AYES: 057

Adams	Arthur	Bahr	Bangert	Barnes 60
Barnes 28	Beard	Berry	Brown 27	Brown 57
Brown 94	Butler	Chipman	Cierpiot	Corlew
Cornejo	Curtis	Dogan	Dunn	Ellebracht
Engler	Evans	Francis	Franks Jr	Gannon
Gray	Green	Grier	Haahr	Haefner
Hansen	Higdon	Johnson	Justus	Kendrick
Korman	Lauer	Lavender	McCann Beatty	Merideth 80
Moon	Mosley	Muntzel	Pfautsch	Pierson Jr
Plocher	Roberts	Runions	Ruth	Shaul 113
Shull 16	Shumake	Sommer	Stevens 46	Walker 74
Wessels	Wood			

NOES: 092

Alferman	Anders	Anderson	Andrews	Austin
Baringer	Basye	Beck	Bernskoetter	Black
Bondon	Brattin	Burnett	Carpenter	Christofanelli

Conway 10	Conway 104	Crawford	Cross	Curtman
Davis	DeGroot	Dohrman	Eggleston	Ellington
Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker	Franklin
Frederick	Hannegan	Harris	Helms	Henderson
Houghton	Houx	Hubrecht	Hurst	Kelly 141
Kolkmeier	Lant	Lichtenegger	Love	Lynch
Marshall	Mathews	Matthiesen	May	McCaherty
McCreery	McDaniel	McGaugh	McGee	Meredith 71
Messenger	Miller	Morgan	Morris	Neely
Newman	Nichols	Peters	Phillips	Pike
Pogue	Quade	Razer	Redmon	Reiboldt
Reisch	Remole	Rhoads	Roeber	Rone
Ross	Rowland 155	Schroer	Smith 85	Smith 163
Stacy	Stephens 128	Swan	Tate	Taylor
Trent	Unsicker	Vescovo	Walker 3	White
Wiemann	Wilson			

PRESENT: 000

ABSENT WITH LEAVE: 013

Burns	Cookson	Gregory	Hill	Kelley 127
Kidd	Mitten	Pietzman	Rehder	Roden
Rowland 29	Spencer	Mr. Speaker		

VACANCIES: 001

## Representative Eggleston offered **House Amendment No. 6.**

### *House Amendment No. 6*

AMEND House Committee Substitute for Senate Bill No. 225, Page 1, Section A, Line 4, by inserting the following after all of said section and line:

"229.150. 1. All driveways or crossings over ditches connecting highways with the private property shall be made under the supervision of the **road** overseer or commissioners of the road districts.

2. ~~[Any]~~ **No** person or persons ~~[who]~~ shall willfully or knowingly obstruct or damage any public road by obstructing the side or cross drainage or ditches thereof, or by turning water upon such road or right-of-way, or by throwing or depositing brush, trees, stumps, logs, or any refuse or debris whatsoever, in said road, or on the sides or in the ditches thereof, or by fencing across or upon the right-of-way of the same, or by planting any hedge or erecting any advertising sign within the lines established for such road, or by changing the location thereof, or shall obstruct **or damage** said road, highway, or drains in any other manner whatsoever~~[-, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five dollars nor more than two hundred dollars, or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment].~~

3. **Road damage or obstruction shall not constitute violations under this section when farming or ranching lands have been improved using soil and water conservation practices implemented in conformance with the Missouri soil and water conservation program or natural resources conservation service technical standards.**

4. The road overseer of any district, or county highway engineer, who finds any road **damaged or** obstructed as above specified, ~~[shall]~~ **may** notify the ~~[person]~~ **landowner** violating the provisions of this section, ~~[verbally or]~~ in writing, **using any mail service with delivery tracking**, to remove such obstruction, **to repair such damage in a manner approved by the road overseer or county highway engineer making the request, or to pay the reasonable cost of such removal or repair.** ~~[Within ten days after being notified, he shall pay the sum of five dollars for each and every day after the tenth day if such obstruction is maintained or permitted to remain; such fine to be recovered by suit brought by the road overseer, in the name of the road district, in any court of competent~~

~~jurisdiction]~~ If the landowner fails to remove any obstruction, make any repairs, or remit any payment of costs as requested within thirty days of the tracked delivery date, the road overseer or county highway engineer may petition the associate circuit court of the county in which the land is located to authorize the overseer or engineer or an agent or employee thereof, to enter the landowner's land to remove the obstruction or to repair the damage, in order to restore the roadway or drainage ditch to a condition substantially the same as the adjacent roadways and drainage ditches. Such entry on the landowner's lands shall be limited to the extent necessary to repair the roadway or drainage ditch, and shall constitute no cause of action for trespass. Such authorization and entry shall not be granted until the opportunity for a hearing has been completed and the petition has been granted. The petition shall include an estimate of the costs.

5. If the court enters a judgment granting the petition and authorizing the actions requested therein, the judgment shall include an award for the reasonable cost of removal or repair, court costs, and reasonable attorney's fees, and shall become a lien on such lands, and shall be collected as state and county taxes are collected by law. If the court denies the petition, the county shall be responsible for the landowner's court costs and reasonable attorney's fees."; and

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

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

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

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Bill No. 225, Page 1, Section A, Line 4, by inserting immediately after all of said section and line the following:

"226.540. Notwithstanding any other provisions of sections 226.500 to 226.600, outdoor advertising shall be permitted within six hundred and sixty feet of the nearest edge of the right-of-way of highways located on the interstate, federal-aid primary system as it existed on June 1, 1991, or the national highway system as amended in areas zoned industrial, commercial or the like and in unzoned commercial and industrial areas as defined in this section, subject to the following regulations which are consistent with customary use in this state:

(1) Lighting:

(a) No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign. No flashing, intermittent, or moving light or lights will be permitted except scoreboards and other illuminated signs designating public service information, such as time, date, or temperature, or similar information, will be allowed; tri-vision, projection, and other changeable message signs shall be allowed subject to Missouri highways and transportation commission regulations;

(b) External lighting, such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the federal-aid primary highways as of June 1, 1991, and all highways designated as part of the National Highway System by the National Highway System Designation Act of 1995 and those highways subsequently designated as part of the National Highway System and the lights are not of such intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle;

(c) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures, an official traffic sign, device, or signal;

(2) Size of signs:

(a) The maximum area for any one sign shall be eight hundred square feet with a maximum height of thirty feet and a maximum length of seventy-two feet, inclusive of border and trim but excluding the base or apron, supports, and other structural members. The area shall be measured as established herein and in rules promulgated by the commission. In determining the size of a conforming or nonconforming sign structure, temporary cutouts and extensions installed for the length of a specific display contract shall not be considered a substantial increase to the size of the permanent display; provided the actual square footage of such temporary cutouts or extensions may not exceed thirty-three percent of the permanent display area. Signs erected in accordance with the provisions of



sections 226.500 to 226.600 prior to August 28, 2002, which fail to meet the requirements of this provision shall be deemed legally nonconforming as defined herein;

(b) The maximum size limitations shall apply to each side of a sign structure, and signs may be placed back to back, double faced, or in V-type construction with not more than two displays to each facing, but such sign structure shall be considered as one sign;

(c) After August 28, 1999, no new sign structure shall be erected in which two or more displays are stacked one above the other. Stacked structures existing on or before August 28, 1999, in accordance with sections 226.500 to 226.600 shall be deemed legally nonconforming and may be maintained in accordance with the provisions of sections 226.500 to 226.600. Structures displaying more than one display on a horizontal basis shall be allowed, provided that total display areas do not exceed the maximum allowed square footage for a sign structure pursuant to the provisions of paragraph (a) of this subdivision;

(3) Spacing of signs:

(a) On all interstate highways, freeways, and nonfreeway federal-aid primary highways as of June 1, 1991, and all highways designated as part of the National Highway System by the National Highway System Designation Act of 1995 and those highways subsequently designated as part of the National Highway System:

a. No sign structure shall be erected within one thousand four hundred feet of an existing sign on the same side of the highway;

b. Outside of incorporated municipalities, no structure may be located adjacent to or within five hundred feet of an interchange, intersection at grade, or safety rest area. Such five hundred feet shall be measured from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way. For purpose of this subparagraph, the term "incorporated municipalities" shall include "urban areas", except that such "urban areas" shall not be considered "incorporated municipalities" if it is finally determined that such would have the effect of making Missouri be in noncompliance with the requirements of Title 23, United States Code, Section 131;

(b) The spacing between structure provisions of this subdivision do not apply to signs which are separated by buildings, natural surroundings, or other obstructions in such manner that only one sign facing located within such distance is visible at any one time. Directional or other official signs or those advertising the sale or lease of the property on which they are located, or those which advertise activities on the property on which they are located, including products sold, shall not be counted, nor shall measurements be made from them for the purpose of compliance with spacing provisions;

(c) No sign shall be located in such manner as to obstruct or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic;

(d) The measurements in this section shall be the minimum distances between outdoor advertising sign structures measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply only to outdoor advertising sign structures located on the same side of the highway involved;

(4) As used in this section, the words "unzoned commercial and industrial land" shall be defined as follows: that area not zoned by state or local law or ordinance and on which there is located one or more permanent structures used for a commercial business or industrial activity or on which a commercial or industrial activity is actually conducted together with the area along the highway extending outwardly seven hundred fifty feet from and beyond the edge of such activity. All measurements shall be from the outer edges of the regularly used improvements, buildings, parking lots, landscaped, storage or processing areas of the commercial or industrial activity and along and parallel to the edge of the pavement of the highway. **On nonfreeway primary highways where there is an unzoned commercial or industrial area on one side of the road in accordance with this section, the unzoned commercial or industrial area shall also include those lands located on the opposite side of the highway to the extent of the same dimensions.** Unzoned land shall not include:

(a) Land on the opposite side of the highway from an unzoned commercial or industrial area as defined in this section and located adjacent to highways located on the interstate, ~~federal-aid primary system as it existed on June 1, 1991, or the national highway system as amended, unless the opposite side of the highway qualifies as a separate unzoned commercial or industrial area~~ **or primary freeway highways;** or

(b) Land zoned by a state or local law, regulation, or ordinance;

(5) "Commercial or industrial activities" as used in this section means those which are generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following shall be considered commercial or industrial:

- (a) Outdoor advertising structures;
- (b) Agricultural, forestry, ranching, grazing, farming, and related activities, including seasonal roadside fresh produce stands;
- (c) Transient or temporary activities;
- (d) Activities more than six hundred sixty feet from the nearest edge of the right-of-way or not visible from the main traveled way;
- (e) Activities conducted in a building principally used as a residence;
- (f) Railroad tracks and minor sidings;

(6) The words "unzoned commercial or industrial land" shall also include all areas not specified in this section which constitute an "unzoned commercial or industrial area" within the meaning of the present Section 131 of Title 23 of the United States Code, or as such statute may be amended. As used in this section, the words "zoned commercial or industrial area" shall refer to those areas zoned commercial or industrial by the duly constituted zoning authority of a municipality, county, or other lawfully established political subdivision of the state, or by the state and which is within seven hundred fifty feet of one or more permanent commercial or industrial activities.

Commercial or industrial activities as used in this section are limited to those activities:

- (a) In which the primary use of the property is commercial or industrial in nature;
- (b) Which are clearly visible from the highway and recognizable as a commercial business;
- (c) Which are permanent as opposed to temporary or transitory and of a nature that would customarily be restricted to commercial or industrial zoning in areas comprehensively zoned; and
- (d) In determining whether the primary use of the property is commercial or industrial pursuant to paragraph (a) of this subdivision, the state highways and transportation commission shall consider the following factors:

- a. The presence of a permanent and substantial building;
  - b. The existence of utilities and local business licenses, if any, for the commercial activity;
  - c. On-premise signs or other identification;
  - d. The presence of an owner or employee on the premises for at least twenty hours per week;
- (7) In zoned commercial and industrial areas, whenever a state, county or municipal zoning authority has adopted laws or ordinances which include regulations with respect to the size, lighting and spacing of signs, which regulations are consistent with the intent of sections 226.500 to 226.600 and with customary use, then from and after the effective date of such regulations, and so long as they shall continue in effect, the provisions of this section shall not apply to the erection of signs in such areas. Notwithstanding any other provisions of this section, after August 28, 1992, with respect to any outdoor advertising which is regulated by the provisions of subdivision (1), (3) or (4) of section 226.520 or subsection 1 of section 226.527:

(a) No county or municipality shall issue a permit to allow a regulated sign to be newly erected without a permit issued by the state highways and transportation commission;

(b) A county or municipality may charge a reasonable one-time permit or inspection fee to assure compliance with local wind load and electrical requirements when the sign is first erected, but a county or municipality may not charge a permit or inspection fee for such sign after such initial fee. Changing the display face or performing routine maintenance shall not be considered as erecting a new sign;

(8) The state highways and transportation commission on behalf of the state of Missouri, may seek agreement with the Secretary of Transportation of the United States under Section 131 of Title 23, United States Code, as amended, that sections 226.500 to 226.600 are in conformance with that Section 131 and provides effective control of outdoor advertising signs as set forth therein. If such agreement cannot be reached and the penalties under subsection (b) of Section 131 are invoked, the attorney general of this state shall institute proceedings described in subsection (1) of that Section 131.

226.550. 1. No outdoor advertising which is regulated by subdivision (1), (3) or (4) of section 226.520 or subsection 1 of section 226.527 shall be erected or maintained on or after August 28, 1992, without a one-time permanent permit issued by the state highways and transportation commission. Application for permits shall be made to the state highways and transportation commission on forms furnished by the commission and shall be accompanied by a permit fee of two hundred dollars for all signs; except that, tax-exempt religious organizations as defined in subdivision (11) of section 313.005, service organizations as defined in subdivision (12) of section 313.005, veterans' organizations as defined in subdivision (14) of section 313.005, and fraternal organizations as defined in subdivision (8) of section 313.005 shall be granted a permit for signs less than seventy-six square feet without payment of the fee. **The permit fee of two hundred dollars shall be waived for landowners, provided that the landowner owns both the land upon which the outdoor advertising is placed and the business being**

**advertised on the sign, so long as the business being advertised is located within seven hundred fifty feet of the sign location.** In the event a permit holder fails to erect a sign structure within twenty-four months of issuance, said permit shall expire and a new permit must be obtained prior to any construction.

2. No outdoor advertising which is regulated by subdivision (1), (3) or (4) of section 226.520 or subsection 1 of section 226.527 which was erected prior to August 28, 1992, shall be maintained without a one-time permanent permit for outdoor advertising issued by the state highways and transportation commission. If a one-time permanent permit was issued by the state highways and transportation commission after March 30, 1972, and before August 28, 1992, it is not necessary for a new permit to be issued. If a one-time permanent permit was not issued for a lawfully erected and lawfully existing sign by the state highways and transportation commission after March 30, 1972, and before August 28, 1992, a one-time permanent permit shall be issued by the commission for each sign which is lawfully in existence on the day prior to August 28, 1992, upon application and payment of a permit fee of two hundred dollars. All applications and fees due pursuant to this subsection shall be submitted before December 31, 1992. **The permit fee of two hundred dollars shall be waived for landowners, provided that the landowner owns both the land upon which the outdoor advertising is placed and the business being advertised on the sign, so long as the business being advertised is located within seven hundred fifty feet of the sign location.**

3. For purposes of sections 226.500 to 226.600, the terminology "structure lawfully in existence" or "lawfully existing" sign or outdoor advertising shall, nevertheless, include the following signs unless the signs violate the provisions of subdivisions (3) to (7) of subsection 1 of section 226.580:

(1) All signs erected prior to January 1, 1968;

(2) All signs erected before March 30, 1972, but on or after January 1, 1968, which would otherwise be lawful but for the failure to have a permit for such signs prior to March 30, 1972, except that any sign or structure which was not in compliance with sizing, spacing, lighting, or location requirements of sections 226.500 to 226.600 as the sections appeared in the revised statutes of Missouri 1969, wheresoever located, shall not be considered a lawfully existing sign or structure;

(3) All signs erected after March 30, 1972, which are in conformity with sections 226.500 to 226.600;

(4) All signs erected in compliance with sections 226.500 to 226.600 prior to August 28, 2002.

4. On or after August 28, 1992, the state highways and transportation commission may, in addition to the fees authorized by subsections 1 and 2 of this section, collect a biennial inspection fee every two years after a state permit has been issued. Biennial inspection fees due after August 28, 2002, and prior to August 28, 2003, shall be fifty dollars. Biennial inspection fees due on or after August 28, 2003, shall be seventy-five dollars. Biennial inspection fees due on or after August 28, 2004, shall be one hundred dollars; except that, tax-exempt religious organizations as defined in subdivision (11) of section 313.005, service organizations as defined in subdivision (12) of section 313.005, veterans' organizations as defined in subdivision (14) of section 313.005, and fraternal organizations as defined in subdivision (8) of section 313.005 shall not be required to pay such fee. **The biennial inspection fee shall be waived for landowners, provided that the landowner owns both the land upon which the outdoor advertising is placed and the business being advertised on the sign, so long as the business being advertised is located within seven hundred fifty feet of the sign location.**

5. In order to effect the more efficient collection of biennial inspection fees, the state highways and transportation commission is encouraged to adopt a renewal system in which all permits in a particular county are renewed in the same month. In conjunction with the conversion to this renewal system, the state highways and transportation commission is specifically authorized to prorate renewal fees based on changes in renewal dates.

6. Sign owners or owners of the land on which signs are located must apply to the state highways and transportation commission for biennial inspection and submit any fees as required by this section on or before December 31, 1992. For a permitted sign which does not have a permit, a permit shall be issued at the time of the next biennial inspection.

7. The state highways and transportation commission shall deposit all fees received for outdoor advertising permits and inspection fees in the state road fund, keeping a separate record of such fees, and the same may be expended by the commission in the administration of sections 226.500 to 226.600."; and

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

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

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

AMEND House Amendment No. 7 to House Committee Substitute for Senate Bill No. 225, Page 5, Section 226.550, Line 34, by deleting all of said line and inserting in lieu thereof the following:

"226.500 to 226.600.

**8. Notwithstanding any other provision of law to the contrary, the permit and biennial inspection fees imposed under this section or section 226.540 shall be waived for any signs located on the side of a school bus as defined in section 301.010, owned by a transportation company under contract with a school district for the transportation of students, indicating that the transportation company is currently hiring positions to facilitate the transporting of students. No fines shall be imposed for any such school bus having said signs that is otherwise parked legally.";** and"; and

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

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

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

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

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Bill No. 225, Page 19, Section 301.550, Line 125, by inserting after all of said section the following:

"302.441. 1. If a person is required to have an ignition interlock device installed on such person's vehicle, he or she may apply to the court for an employment exemption variance to allow him or her to drive an employer-owned vehicle not equipped with an ignition interlock device for employment purposes only. Such exemption shall not be granted to a person who is self-employed or who wholly or partially owns **or controls** an entity that owns an employer-owned vehicle.

2. A person who is granted an employment exemption variance under subsection 1 of this section shall not drive, operate, or be in physical control of an employer-owned vehicle used for transporting children under eighteen years of age or vulnerable persons, as defined in section 630.005, or an employer-owned vehicle for personal use."; and

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

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

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

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Bill No. 225, Page 13, Section 301.031, Line 6, by inserting after all of said section and line the following:

**"301.136. 1. Any camping or fifth-wheel trailer, as defined in section 407.1320, that is over twenty-five years old may be permanently registered upon payment of a registration fee of fifty-two dollars and fifty cents. Upon the transfer of the title to any such trailer, the registration shall be canceled and the license plates issued therefor shall be returned to the director of revenue.**

2. The owner of any such trailer shall file an application in a form prescribed by the director and a certificate of registration shall be issued therefor.

3. Notwithstanding any provision of this section to the contrary, any person possessing license plates issued by the state of Missouri that are over twenty-five years old, in which the year of issuance of such plates is consistent with the year of the manufacture of the camping or fifth-wheel trailer, may register such plates as historic trailer plates as set forth in this section; provided that, the configuration of letters, numbers, or combination of letters and numbers of such plates is not identical to the configuration of letters, numbers, or combination of letters and numbers of any plates already issued to an owner by the director. Such license plates shall not be required to possess the characteristic features of reflective material and common color scheme and design as prescribed by section 301.130. The owner of the historic trailer registered under this section shall keep the certificate of registration in the trailer at all times. The certificate of registration shall be prima facie evidence that the trailer has been properly registered with the director and that all fees have been paid."; and

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

Representative Christofanelli offered **House Amendment No. 1 to House Amendment No. 9.**

*House Amendment No. 1  
to  
House Amendment No. 9*

AMEND House Amendment No. 9 to House Committee Substitute for Senate Bill No. 225, Page 1, Line 21, by deleting all of said line and inserting in lieu thereof the following:

**"have been paid.**

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 fifty-four 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, proof of a 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.

2. **Notwithstanding the provisions of subsection 1 of this section and the provisions of section 301.020 to the contrary, beginning January 1, 2018, the director of revenue shall provide owners of motor vehicles other than commercial motor vehicles licensed in excess of fifty-four thousand pounds gross weight, the option of a three-year registration when the vehicle would be ineligible for a biennial registration but eligible for an annual registration under subsection 1 of this section, subject to the following requirements:**

**(1) The fee collected at the time of three-year registration shall include the biennial registration fee plus a pro rata amount for the additional twelve months of the three-year 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 two preceding years that no such taxes were due as set forth under section 301.025, proof of a 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.**

3. 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, 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. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 1, 2000, shall be invalid and void.

[3-] 4. 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]~~ **shall** be maintained for the full twenty-four month period."; and"; and

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

On motion of Representative Christofanelli, **House Amendment No. 1 to House Amendment No. 9** was adopted.

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

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

*House Amendment No. 10*

AMEND House Committee Substitute for Senate Bill No. 225, Page 1, Section A, Line 4, by inserting immediately after all of said section and line the following:

"137.095. 1. The real and tangible personal property of all corporations operating in any county in the state of Missouri and in the City of St. Louis, and subject to assessment by county or township assessors, shall be assessed and taxed in the county in which the property is situated on the first day of January of the year for which the taxes are assessed, and every general or business corporation having or owning tangible personal property on the first day of January in each year, which is situated in any other county than the one in which the corporation is located, shall make return to the assessor of the county or township where the property is situated, in the same manner as other tangible personal property is required by law to be returned, except that all motor vehicles which are the property of the corporation and which are subject to regulation under chapter 390 shall be assessed for tax purposes in the county in which the motor vehicles are based.

2. For the purposes of subsection 1 of this section, the term "based" means the place where the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled, except that leased passenger vehicles shall be assessed at the residence of the driver or, if the residence of the driver is unknown, at the location of the lessee.

3. The assessed valuation of any tractor or trailer as defined in section 301.010 owned by a corporation and used in ~~[interstate]~~ **interjurisdictional** commerce must be apportioned to Missouri based on the ratio of miles traveled in this state to miles traveled in ~~[the United States in interstate]~~ **interjurisdictional** commerce during the preceding tax year or on the basis of the most recent annual mileage figures available **regardless of the state in which the International Registration Plan fleet under which such tractor or trailer operates or maintains its base jurisdiction. Where historical distance records are unavailable, the average per vehicle distance chart as described in section 320 of the International Registration Plan and which is provided to counties by department of transportation carrier services, or any other reasonable source of distance data, may be used.**"; and

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

Representative McCaherty offered **House Amendment No. 1 to House Amendment No. 10**.

*House Amendment No. 1*  
*to*  
*House Amendment No. 10*

AMEND House Amendment No. 10 to House Committee Substitute for Senate Bill No. 225, Page 1, Line 27, by inserting immediately after all of said line the following:

"Further amend said bill, Page 19, Section 301.550, Line 125, by inserting immediately after all of said section and line the following:

"302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

- (1) Operate any vehicle upon any highway in this state unless the person has a valid license;
- (2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;
- (3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;
- (4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person **who is younger than twenty-one years of age** operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. **Every person twenty-one years of age or older operating any motorcycle or motortricycle who has been issued an instruction permit shall wear protective headgear at all times the vehicle is in motion. Every person twenty-one years of age or older operating any motorcycle or motortricycle who has neither possessed his or her motorcycle license or motorcycle endorsement for a minimum period of two years nor completed a motorcycle safety education course approved pursuant to sections 302.133 to 302.137 shall wear protective headgear at all times the vehicle is in motion.** The protective headgear shall meet reasonable standards and specifications established by the director. **No person shall be stopped, inspected, or detained solely to determine compliance with this subsection.**

3. Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a misdemeanor. A first violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable as a class D misdemeanor. A second violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable as a class A misdemeanor. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class E felony. Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section is a misdemeanor, the first violation punishable as a class D misdemeanor, a second or subsequent violation of this section punishable as a class C misdemeanor, and the penalty for failure to wear protective headgear as required by subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in the same manner as required by section 558.021.

**302.026. 1. Any qualified motorcycle operator who is twenty-one years of age or older may operate a motorcycle or motortricycle upon any highway of this state without wearing protective headgear if he or she has first-party insurance coverage and has completed a motorcycle safety education course approved pursuant to sections 302.133 to 302.137 or possessed his or her motorcycle license or motorcycle endorsement for a minimum period of two years. In addition to maintaining proof of financial responsibility in accordance with chapter 303, any such qualified motorcycle operator who desires to operate a motorcycle or motortricycle upon any highway of this state without wearing protective headgear shall be covered by a health insurance policy.**

**2. Proof of coverage required by subsection 1 of this section shall be provided to law enforcement, upon request, by showing documentation indicating the qualified operator has the insurance coverage required by this section. The term "health benefit plan" as used in this section shall have the same meaning assigned to it in section 376.1350."; and**

Further amend said bill, Page 30, Section 407.816, Line 7, by inserting immediately after all of said section and line the following:

"476.385. 1. The judges of the supreme court may appoint a committee consisting of at least seven associate circuit judges, who shall meet en banc and establish and maintain a schedule of fines to be paid for violations of sections 210.104, 577.070, and 577.073, and chapters 252, 301, 302, 304, 306, 307 and 390, with such fines increasing in proportion to the severity of the violation. The associate circuit judges of each county may meet en banc and adopt the schedule of fines and participation in the centralized bureau pursuant to this section. Notice of such adoption and participation shall be given in the manner provided by supreme court rule. Upon order of the supreme court, the associate circuit judges of each county may meet en banc and establish and maintain a schedule of fines to be paid for violations of municipal ordinances for cities, towns and villages electing to have violations of its municipal ordinances heard by associate circuit judges, pursuant to section 479.040; and for traffic court divisions established pursuant to section 479.500. The schedule of fines adopted for violations of municipal ordinances may be modified from time to time as the associate circuit judges of each county en banc deem advisable. No fine established pursuant to this subsection may exceed the maximum amount specified by statute or ordinance for such violation. **Individual political subdivisions, including counties and municipalities, shall be prohibited from imposing a fine for any violation in excess of the fine specified for the violation on the schedule of fines established and maintained by the supreme court under this subsection.**

2. In no event shall any schedule of fines adopted pursuant to this section include offenses involving the following:

- (1) Any violation resulting in personal injury or property damage to another person;
- (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or drugs;
- (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;
- (4) Fleeing or attempting to elude an officer.

3. There shall be a centralized bureau to be established by supreme court rule in order to accept pleas of not guilty or guilty and payments of fines and court costs for violations of the laws and ordinances described in subsection 1 of this section, made pursuant to a schedule of fines established pursuant to this section. The centralized bureau shall collect, with any plea of guilty and payment of a fine, all court costs which would have been collected by the court of the jurisdiction from which the violation originated.

4. If a person elects not to contest the alleged violation, the person shall send payment in the amount of the fine and any court costs established for the violation to the centralized bureau. Such payment shall be payable to the central violations bureau, shall be made by mail or in any other manner established by the centralized bureau, and shall constitute a plea of guilty, waiver of trial and a conviction for purposes of section 302.302, and for purposes of imposing any collateral consequence of a criminal conviction provided by law. By paying the fine and costs, the person also consents to attendance either online or in person at any driver-improvement program or motorcycle-rider training course ordered by the court and consents to verification of such attendance as directed by the bureau. Notwithstanding any provision of law to the contrary, the prosecutor shall not be required to sign any information, ticket or indictment if disposition is made pursuant to this subsection. In the event that any payment is made pursuant to this section by credit card or similar method, the centralized bureau may charge an additional fee in order to reflect any transaction cost, surcharge or fee imposed on the recipient of the credit card payment by the credit card company.

5. If a person elects to plead not guilty, such person shall send the plea of not guilty to the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor having original jurisdiction over the offense. Any trial shall be conducted at the location designated by the court. The clerk of the court in which the case is to be heard shall notify in writing such person of the date certain for the disposition of such charges. The prosecutor shall not be required to sign any information, ticket or indictment until the commencement of any proceeding by the prosecutor with respect to the notice of violation.

6. In courts adopting a schedule of fines pursuant to this section, any person receiving a notice of violation pursuant to this section shall also receive written notification of the following:

- (1) The fine and court costs established pursuant to this section for the violation or information regarding how the person may obtain the amount of the fine and court costs for the violation;



(2) That the person must respond to the notice of violation by paying the prescribed fine and court costs, or pleading not guilty and appearing at trial, and that other legal penalties prescribed by law may attach for failure to appear and dispose of the violation. The supreme court may modify the suggested forms for uniform complaint and summons for use in courts adopting the procedures provided by this section, in order to accommodate such required written notifications.

7. Any moneys received in payment of fines and court costs pursuant to this section shall not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit of those persons or entities entitled to receive such funds pursuant to this subsection. All amounts paid to the centralized bureau shall be maintained by the centralized bureau, invested in the manner required of the state treasurer for state funds by sections 30.240, 30.250, 30.260 and 30.270, and disbursed as provided by the constitution and laws of this state. Any interest earned on such fund shall be payable to the director of the department of revenue for deposit into a revolving fund to be established pursuant to this subsection. The state treasurer shall be the custodian of the revolving fund, and shall make disbursements, as allowed by lawful appropriations, only to the judicial branch of state government for goods and services related to the administration of the judicial system.

8. Any person who receives a notice of violation subject to this section who fails to dispose of such violation as provided by this section shall be guilty of failure to appear provided by section 544.665; and may be subject to suspension of driving privileges in the manner provided by section 302.341. The centralized bureau shall notify the appropriate prosecutor of any person who fails to either pay the prescribed fine and court costs, or plead not guilty and request a trial within the time allotted by this section, for purposes of application of section 544.665. The centralized bureau shall also notify the department of revenue of any failure to appear subject to section 302.341, and the department shall thereupon suspend the license of the driver in the manner provided by section 302.341, as if notified by the court.

9. In addition to the remedies provided by subsection 8 of this section, the centralized bureau and the courts may use the remedies provided by sections 488.010 to 488.020 for the collection of court costs payable to courts, in order to collect fines and court costs for violations subject to this section."; and"; and

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

On motion of Representative McCaherty, **House Amendment No. 1 to House Amendment No. 10** was adopted.

Representative Kolkmeier offered **House Amendment No. 2 to House Amendment No. 10**.

*House Amendment No. 2*

*to*

*House Amendment No. 10*

AMEND House Amendment No. 10 to House Committee Substitute for Senate Bill No. 225, Page 1, Line 4, by deleting all of said line and inserting in lieu thereof the following:

""71.610. 1. No municipal corporation in this state shall have the power to impose a license tax upon any business, avocation, pursuit or calling, unless such business, avocation, pursuit or calling is specially named as taxable in the charter of such municipal corporation, or unless such power be conferred by statute.

**2. Notwithstanding any other provision of law, any political subdivision that imposes a local excise or sales tax enacted after January 1, 2017, under article IV, section 30(a) of the Constitution of Missouri shall use no less than ninety percent of such funds collected for the construction, reconstruction, maintenance, and repair of roads and streets and for the payment and interest on indebtedness incurred on account of road and street purposes, and no more than ten percent of such funds collected for policing, signing, lighting, and cleaning roads and streets.**

137.095. 1. The real and tangible personal property of all corporations operating in any"; and

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

On motion of Representative Kolkmeier, **House Amendment No. 2 to House Amendment No. 10** was adopted.

On motion of Representative Korman, **House Amendment No. 10, as amended**, was adopted.

Representative Austin moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Alferman	Anderson	Andrews	Austin	Bahr
Barnes 60	Basye	Beard	Bernskoetter	Berry
Black	Bondon	Brattin	Brown 57	Brown 94
Chipman	Christofanelli	Cierpiot	Conway 104	Cornejo
Crawford	Cross	Curtman	Davis	DeGroot
Dogan	Dohrman	Eggleston	Engler	Evans
Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker	Francis
Franklin	Frederick	Gannon	Gregory	Grier
Haahr	Haefner	Hannegan	Hansen	Helms
Henderson	Higdon	Hill	Houghton	Houx
Hubrecht	Hurst	Johnson	Justus	Kelley 127
Kelly 141	Kolkmeier	Korman	Lant	Lauer
Lichtenegger	Love	Lynch	Marshall	Mathews
Matthiesen	McCaherty	McDaniel	McGaugh	Messenger
Moon	Morris	Muntzel	Pfautsch	Phillips
Pike	Plocher	Pogue	Redmon	Reiboldt
Reisch	Remole	Rhoads	Roeber	Rone
Ross	Rowland 155	Ruth	Schroer	Shaul 113
Shull 16	Shumake	Smith 163	Sommer	Stacy
Stephens 128	Swan	Tate	Taylor	Trent
Vescovo	Walker 3	White	Wiemann	Wilson
Wood				

NOES: 045

Adams	Anders	Arthur	Bangert	Baringer
Barnes 28	Beck	Brown 27	Burnett	Burns
Butler	Carpenter	Conway 10	Dunn	Ellebracht
Ellington	Franks Jr	Gray	Green	Harris
Kendrick	Lavender	May	McCann Beatty	McCreery
McGee	Meredith 71	Merideth 80	Morgan	Mosley
Neely	Newman	Nichols	Pierson Jr	Quade
Razer	Roberts	Rowland 29	Runions	Smith 85
Spencer	Stevens 46	Unsicker	Walker 74	Wessels

PRESENT: 000

ABSENT WITH LEAVE: 011

Cookson	Corlew	Curtis	Kidd	Miller
Mitten	Peters	Pietzman	Rehder	Roden
Mr. Speaker				

VACANCIES: 001

On motion of Representative Davis, the title of **HCS SB 225, as amended**, was agreed to.

On motion of Representative Davis, **HCS SB 225, as amended**, was adopted.

On motion of Representative Davis, **HCS SB 225, as amended**, was read the third time and passed by the following vote:

AYES: 097

Alferman	Andrews	Arthur	Austin	Bahr
Basye	Beard	Bernskoetter	Berry	Black
Bondon	Brattin	Brown 57	Brown 94	Carpenter
Christofanelli	Cierpiot	Conway 10	Conway 104	Cornejo
Crawford	Cross	Curtis	Davis	DeGroot
Dogan	Dohrman	Eggleston	Ellebracht	Engler
Evans	Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker
Francis	Franklin	Frederick	Gannon	Gregory
Grier	Haahr	Haefner	Hansen	Harris
Helms	Henderson	Houghton	Houx	Hubrecht
Johnson	Justus	Kelley 127	Kendrick	Kolkmeyer
Korman	Lant	Lauer	Lichtenegger	Love
Lynch	Mathews	Matthiesen	McCaherty	McGaugh
Messenger	Muntzel	Neely	Pfautsch	Phillips
Pike	Plocher	Razer	Redmon	Reiboldt
Reisch	Rhoads	Roeber	Rone	Ross
Rowland 155	Rowland 29	Ruth	Schroer	Shaul 113
Shull 16	Smith 163	Sommer	Stacy	Stephens 128
Swan	Tate	Trent	Vescovo	Walker 3
Wiemann	Wood			

NOES: 051

Adams	Anders	Anderson	Bangert	Baringer
Barnes 28	Beck	Brown 27	Burnett	Burns
Butler	Chipman	Curtman	Dunn	Ellington
Franks Jr	Gray	Green	Higdon	Hill
Hurst	Lavender	Marshall	McCann Beatty	McCreery
McDaniel	McGee	Meredith 71	Merideth 80	Mitten
Moon	Morgan	Mosley	Newman	Nichols
Peters	Pierson Jr	Pogue	Quade	Remole
Roberts	Runions	Smith 85	Spencer	Stevens 46
Taylor	Unsicker	Walker 74	Wessels	White
Wilson				

PRESENT: 001

Shumake

ABSENT WITH LEAVE: 013

Barnes 60	Cookson	Corlew	Hannegan	Kelly 141
Kidd	May	Miller	Morris	Pietzman
Rehder	Roden	Mr. Speaker		

VACANCIES: 001

Speaker Pro Tem Haahr declared the bill passed.

### **BILLS CARRYING REQUEST MESSAGES**

**HCS SCS SB 139, as amended**, relating to controlled substances, was taken up by Representative Wood.

Representative Wood moved that the House refuse to recede from its position on **HCS SCS SB 139, as amended**, and grant the Senate a conference.

Which motion was adopted.

**HCS SB 283, as amended**, relating to political subdivisions, was taken up by Representative Andrews.

Representative Andrews moved that the House refuse to recede from its position on **HCS SB 283, as amended**, and grant the Senate a conference.

Which motion was adopted.

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

**HCS SCS SB 11**, relating to disposition of municipal assets, was taken up by Representative Fraker.

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

#### *House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11, Page 5, Section 100.180, Line 9, by inserting after all of said section and line the following:

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

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

3. No exemption shall be granted until the governing authority holds a public hearing for the purpose of obtaining the opinions and suggestions of residents of political subdivisions to be affected by the exemption from property taxes. The governing authority shall send, by certified mail, a notice of such hearing to each political subdivision in the area to be affected and shall publish notice of such hearing in a newspaper of general circulation

in the area to be affected by the exemption at least twenty days prior to the hearing but not more than thirty days prior to the hearing. Such notice shall state the time, location, date, and purpose of the hearing.

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

5. No exemption shall be granted for a period more than twenty-five years ~~[following the date on which the original enhanced enterprise zone was designated by the department]~~, **provided, however, that during the ten years prior to the expiration of an enhanced enterprise zone no exemption shall be granted for a period of more than ten years.**

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

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

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11, Page 4, Section 88.770, Line 41, by inserting immediately after all of said section and line the following:

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

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

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Beginning August 28, 2014, if the voters in a taxing district vote to approve an increase in such taxing district's levy rate for ad valorem tax on real property, any additional revenues generated within an existing redevelopment project area that are directly attributable to the newly voter-approved incremental increase in such taxing district's levy rate shall not be considered payments in lieu of taxes subject to deposit into a special allocation fund without the consent of such taxing district. Revenues will be considered directly attributable to the newly voter-approved incremental increase to the extent that they are generated from the difference between the taxing district's actual levy rate currently imposed and the maximum voter-approved levy rate at the time that the redevelopment project was adopted. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031 until such time as all redevelopment costs have been paid as provided for in this section and section 99.850.

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

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

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

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

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the

calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, taxes imposed on sales pursuant to subsection 2 of section 67.1712 for the purpose of operating and maintaining a metropolitan park and recreation district, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities, or for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 28, 2013, taxes imposed on sales under and pursuant to section 67.700 or 650.399 for the purpose of emergency communication systems, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Beginning August 28, 2014, if the voters in a taxing district vote to approve an increase in such taxing district's sales tax or use tax, other than the renewal of an expiring sales or use tax, any additional revenues generated within an existing redevelopment project area that are directly attributable to the newly voter-approved incremental increase in such taxing district's levy rate shall not be considered economic activity taxes subject to deposit into a special allocation fund without the consent of such taxing district.

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

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

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

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

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

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

in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

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

9. Subsection 4 of this section shall apply only to the following:

(1) Blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

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

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

(2) Blighted areas consisting solely of the site of a former automobile manufacturing plant located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants. For the purposes of this section, "former automobile manufacturing plant" means a redevelopment area containing a minimum of one hundred acres, and such redevelopment area was previously used primarily for the manufacture of automobiles but ceased such manufacturing after the 2007 calendar year; or

(3) Blighted areas consisting solely of the site of a former insurance company national service center containing a minimum of one hundred acres located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants.

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

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

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

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

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

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

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

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

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

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

(i) The street address of the development site;

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



- (k) The estimated development project costs;
- (l) The anticipated sources of funds to pay such development project costs;
- (m) Evidence of the commitments to finance such development project costs;
- (n) The anticipated type and term of the sources of funds to pay such development project costs;
- (o) The anticipated type and terms of the obligations to be issued;
- (p) The most recent equalized assessed valuation of the property within the development project area;
- (q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;
- (r) The general land uses to apply in the development area;
- (s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;
- (t) The total number of full-time equivalent positions in the development area;
- (u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;
- (v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;
- (w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;
- (x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;
- (y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;
- (z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;
- (aa) A list of other community and economic benefits to result from the project;
- (bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;
- (cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;
- (dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;
- (ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;
- (ff) A list of competing businesses in the county containing the development area and in each contiguous county;
- (gg) A market study for the development area;
- (hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;
- (2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;
- (3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as

indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund exceed thirty-two million dollars; provided, however, that such thirty-two million dollar cap shall not apply to redevelopment plans or projects initially listed by name in the applicable appropriations bill after August 28, 2015, which involve either:

- (a) A former automobile manufacturing plant; or
- (b) The retention of a federal employer employing over two thousand geospatial intelligence jobs.

At no time shall the annual amount of the new state revenues for disbursements from the Missouri supplemental tax increment financing fund for redevelopment plans and projects eligible under the provisions of paragraph (a) of this subdivision exceed four million dollars in the aggregate. At no time shall the annual amount of the new state revenues for disbursements from the Missouri supplemental tax increment financing fund for redevelopment plans and projects eligible under the provisions of paragraph (b) of this subdivision exceed twelve million dollars in the aggregate. To the extent a redevelopment plan or project independently meets the eligibility criteria set forth in both paragraphs (a) and (b) of this subdivision, then at no such time shall the annual amount of new state revenues for disbursements from the Missouri supplemental tax increment financing fund for such eligible redevelopment plan or project exceed twelve million dollars in the aggregate;

**(4) At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund for redevelopment plans or projects approved on or after August 28, 2017, and before August 28, 2027, be increased by or exceed three million dollars. Any individual redevelopment plans or projects approved prior to August 28, 2017, which are expanded with buildings of new construction shall not be increased by more than three million dollars in excess of the original previously approved maximum projected amount. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund for redevelopment plans or projects approved on or after August 28, 2027, exceed twenty million dollars; provided however, that such ceilings shall not apply to redevelopment plans or projects exempted from such ceilings under subdivision (3) of this subsection. For all redevelopment plans or projects approved on or after August 28, 2017, at no time shall a single redevelopment plan or project receive an appropriation under this section that exceeds three million dollars annually.**

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

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

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

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

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase

shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues.

15. Notwithstanding any other provision of the law to the contrary, the adoption of any tax increment financing authorized under sections 99.800 to 99.865 shall not supersede, alter, or reduce in any way a property tax levied under section 205.971."; and

Further amend said bill, Page 5, Section 100.180, Line 8, by inserting after all of said section and line the following:

"144.026. 1. The director of revenue shall not send notice to any taxpayer under subsection 2 of section 144.021 regarding the decision in IBM Corporation v. Director of Revenue, [~~Case No. 94999~~] 491 S.W.3d 535 (Mo. banc 2016) prior to August 28, 2017.

2. This section affirms the construction and application of existing law as expressed by the Missouri supreme court in Bridge Data Co. v. Director of Revenue, 794 S.W.2d 204 (Mo. banc 1990), DST Systems, Inc. v. Director of Revenue, 43 S.W.3d 799 (Mo. banc 2001), Southwestern Bell Tel. Co. v. Director of Revenue, 78 S.W.3d 763 (Mo. banc 2002), and Southwestern Bell Tel. Co. v. Director of Revenue, 182 S.W.3d 226 (Mo. banc 2005) regarding the exemptions found in subsection 2 of section 144.054 and subdivisions (5) and (6) of subsection 2 of section 144.030. The director of revenue and all courts of competent jurisdiction shall follow the construction, application, and reasoning of the Missouri supreme court in these decisions and shall apply such reasoning to all pending audits, assessments, refund claims, and claims for credit not finally adjudicated as of the effective date of this section, as well as all future audits, assessments, refund claims, and claims for credit."; and

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

Representative Chipman assumed the Chair.

Representative Miller moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote, the ayes and noes having been demanded by Representative Miller:

AYES: 053

Anderson	Andrews	Austin	Bahr	Basye
Beard	Bernskoetter	Black	Bondon	Chipman
Christofanelli	Cierpiot	Cornejo	Crawford	DeGroot
Dohrman	Fitzpatrick	Fitzwater 49	Francis	Franklin
Gregory	Haahr	Haefner	Helms	Henderson
Houghton	Houx	Hurst	Johnson	Justus
Kolkmeier	Lauer	Love	Lynch	Mathews
McGaugh	Messenger	Miller	Moon	Morris
Pietzman	Rhoads	Roeber	Rone	Rowland 155
Ruth	Shaul 113	Shumake	Smith 163	Spencer
Taylor	Trent	Wood		

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Adams	Anders	Arthur	Bangert	Baringer
Barnes 60	Barnes 28	Beck	Brown 27	Brown 57
Burnett	Burns	Conway 10	Conway 104	Cross
Curtis	Curtman	Davis	Dogan	Dunn
Eggleston	Ellebracht	Ellington	Engler	Evans
Fitzwater 144	Fraker	Franks Jr	Frederick	Gannon

Gray	Green	Grier	Hansen	Harris
Hill	Kelly 141	Kendrick	Korman	Lant
Lavender	Lichtenegger	Marshall	Matthiesen	May
McCaherty	McCann Beatty	Meredith 71	Merideth 80	Mitten
Morgan	Mosley	Muntzel	Neely	Newman
Nichols	Peters	Pfausch	Phillips	Pierson Jr
Pike	Plocher	Pogue	Quade	Razer
Redmon	Reiboldt	Reisch	Remole	Roberts
Ross	Rowland 29	Runions	Shull 16	Smith 85
Sommer	Stacy	Stephens 128	Stevens 46	Swan
Tate	Unsicker	Vescovo	Walker 3	Walker 74
Wessels	White	Wiemann	Wilson	Mr. Speaker

PRESENT: 005

Brown 94	Hubrecht	Kidd	McCreery	McGee
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ABSENT WITH LEAVE: 014

Alferman	Berry	Brattin	Butler	Carpenter
Cookson	Corlew	Hannegan	Higdon	Kelley 127
McDaniel	Rehder	Roden	Schroer	

VACANCIES: 001

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11, Page 5, Section 100.180, Line 9, by inserting after all of said section and line the following:

**"266.600. No political subdivision shall adopt or enforce any ordinance, rule, or regulation relating to the labeling, cultivation, or other use of seed, fertilizers, or soil conditioners as such terms are defined or used in sections 266.021, 266.291, and 266.361, respectively. The provisions of this section shall not apply to any ordinance, rule, or regulation enacted prior to August 28, 2017.";** and

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

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

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

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11, Page 1, Section A, Line 3, by inserting immediately after all of said section and line the following:

54.261. 1. The county treasurer in counties of the first classification, not having a charter form of government and containing a portion of a city with a population of three hundred thousand or more, and in counties of the second, third and fourth classifications of this state, shall receive as compensation for services performed by the treasurer an annual salary based upon the assessed valuation of the county. The provisions of this section shall not permit or require a reduction, nor shall require an increase, in the amount of compensation being paid for the office of treasurer on January 1, 2002.

2. The amount of salary based upon assessed valuation shall be computed according to the following schedule:

Assessed Valuation	Salary \$
18,000,000 to 40,999,999	\$29,000
41,000,000 to 53,999,999	30,000
54,000,000 to 65,999,999	32,000
66,000,000 to 85,999,999	34,000
86,000,000 to 99,999,999	36,000
100,000,000 to 130,999,999	38,000
131,000,000 to 159,999,999	40,000
160,000,000 to 189,999,999	41,000
190,000,000 to 249,999,999	41,500
250,000,000 to 299,999,999	43,000
300,000,000 or more	45,000

3. Two thousand dollars of the salary authorized in this section shall be payable to the treasurer only if the treasurer has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the treasurer's office when approved by a professional association of the county treasurers or county collectors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each treasurer who completes the training program and shall send a list of certified treasurers to the county commission of each county. Expenses incurred for attending the training session ~~may~~ **shall** be reimbursed to the county treasurer in the same manner as other expenses as may be appropriated for that purpose.

4. The county treasurer in any county, other than a county of the first classification having a charter form of government or a county of the first classification not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon two-thirds vote of all the members of the commission, receive an annual compensation in an amount less than the total compensation being received for the office of county treasurer in the particular county for services rendered or performed on the date the salary commission votes.

5. In the event of a vacancy due to death, resignation, or otherwise in the office of treasurer in any county except a county with a charter form of government, and when there is no deputy treasurer, the county commission shall appoint a qualified acting treasurer until such time as the vacancy is filled by the governor pursuant to section 105.030 or the elected treasurer returns to work. The county commission shall employ and fix the compensation of clerical and other assistants necessary to enable the interim treasurer to efficiently perform the duties of the office."; and

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

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

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

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11, Page 3, Section 67.2050, Line 72, by inserting after all of said section and line the following:

**"71.291. 1. Notwithstanding any other law to the contrary and subject to subsections 2 and 3 of this section, a city, town, village, or other political subdivision authorized to levy and collect a license tax or fee on hotels and motels shall not increase such license tax rate or fee amount greater than five percent above the annual rate in effect on the effective date of this section.**

**2. Notwithstanding any other law to the contrary, the total dollar amount of all license taxes or fees levied on any hotel or motel in one year shall not exceed the greater of:**

**(1) One-eighth of one percent of the gross revenue of the hotel or motel as of the effective date of this section; or**

**(2) The license tax or fee in effect on December 31, 2016.**

**3. The provisions of this section shall not apply to any tax levied by a city if the revenue from the license tax or fee is dedicated and restricted to a project for which bonds were outstanding on January 1, 2017."; and**

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

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

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

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11, Page 1, Section A, Line 3, by inserting the following after all of said line:

"67.1360. 1. The governing body of the following cities and counties may impose a tax as provided in this section:

- (1) A city with a population of more than seven thousand and less than seven thousand five hundred;
- (2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;
- (3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;
- (4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;
- (5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;
- (8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;
- (9) Any county of the second classification without a township form of government and a population of less than thirty thousand;
- (10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;
- (11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;
- (12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;
- (13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;
- (14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;
- (15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;
- (16) Any third class city with a population of more than three thousand eight hundred but less than four thousand inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(18) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred inhabitants;

(20) Any county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants;

(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(25) Any city of the fourth classification with more than two thousand six hundred but less than two thousand seven hundred inhabitants located in any county of the third classification without a township form of government and with more than fifteen thousand three hundred but less than fifteen thousand four hundred inhabitants;

(26) Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

(27) Any city of the fourth classification with more than five thousand four hundred but fewer than five thousand five hundred inhabitants and located in more than one county;

(28) Any city of the fourth classification with more than six thousand three hundred but fewer than six thousand five hundred inhabitants and located in more than one county through the creation of a tourism district which may include, in addition to the geographic area of such city, the area encompassed by the portion of the school district, located within a county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, having an average daily attendance for school year 2005-06 between one thousand eight hundred and one thousand nine hundred;

(29) Any city of the fourth classification with more than seven thousand seven hundred but less than seven thousand eight hundred inhabitants located in a county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants;

(30) Any city of the fourth classification with more than two thousand nine hundred but less than three thousand inhabitants located in a county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants;

(31) Any city of the third classification with more than nine thousand three hundred but less than nine thousand four hundred inhabitants;

(32) Any city of the fourth classification with more than three thousand eight hundred but fewer than three thousand nine hundred inhabitants and located in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants;

(33) Any city of the fourth classification with more than one thousand eight hundred but fewer than one thousand nine hundred inhabitants and located in any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants;

(34) Any county of the third classification without a township form of government and with more than twelve thousand one hundred but fewer than twelve thousand two hundred inhabitants;

(35) Any city of the fourth classification with more than three thousand eight hundred but fewer than four thousand inhabitants and located in more than one county; provided, however, that motels owned by not-for-profit organizations are exempt; ~~or~~

(36) Any city of the fourth classification with more than five thousand but fewer than five thousand five hundred inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants; **or**

**(37) Any city with more than four thousand five hundred but fewer than five thousand five hundred inhabitants and located in any county of the fourth classification with more than thirty thousand but fewer than forty-two thousand inhabitants.**

2. The governing body of any city or county listed in subsection 1 of this section may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes."; and

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

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

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

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11, Page 5, Section 100.180, Line 9, by inserting immediately after said section and line the following:

- "393.1075. 1. This section shall be known as the "Missouri Energy Efficiency Investment Act".
2. As used in this section, the following terms shall mean:
- (1) "Commission", the Missouri public service commission;
  - (2) "Demand response", measures that decrease peak demand or shift demand to off-peak periods;
  - (3) "Demand-side program", any program conducted by the utility to modify the net consumption of electricity on the retail customer's side of the electric meter, including but not limited to energy efficiency measures, ~~load~~ **rate** management, demand response, and interruptible or curtailable load;
  - (4) "Energy efficiency", measures that reduce the amount of electricity required to achieve a given end use;
  - (5) "Interruptible or curtailable rate", a rate under which a customer receives a reduced charge in exchange for agreeing to allow the utility to withdraw the supply of electricity under certain specified conditions;
  - (6) "Total resource cost test", a test that compares the sum of avoided utility costs and avoided probable environmental compliance costs to the sum of all incremental costs of end-use measures that are implemented due to the program, as defined by the commission in rules.
3. It shall be the policy of the state to value demand-side investments equal to traditional investments in supply and delivery infrastructure and allow recovery of all reasonable and prudent costs of delivering cost-effective demand-side programs. In support of this policy, the commission shall:
- (1) Provide timely cost recovery for utilities;
  - (2) Ensure that utility financial incentives are aligned with helping customers use energy more efficiently and in a manner that sustains or enhances utility customers' incentives to use energy more efficiently; and
  - (3) Provide timely earnings opportunities associated with cost-effective measurable and verifiable efficiency savings.
4. The commission shall permit electric corporations to implement commission-approved demand-side programs proposed pursuant to this section with a goal of achieving all cost-effective demand-side savings. Recovery for such programs shall not be permitted unless the programs are approved by the commission, result in energy or



demand savings and are beneficial to all customers in the customer class in which the programs are proposed, regardless of whether the programs are utilized by all customers. The commission shall consider the total resource cost test a preferred cost-effectiveness test. Programs targeted to low-income customers or general education campaigns do not need to meet a cost-effectiveness test, so long as the commission determines that the program or campaign is in the public interest. Nothing herein shall preclude the approval of demand-side programs that do not meet the test if the costs of the program above the level determined to be cost-effective are funded by the customers participating in the program or through tax or other governmental credits or incentives specifically designed for that purpose.

5. To comply with this section the commission may develop cost recovery mechanisms to further encourage investments in demand-side programs including, in combination and without limitation: capitalization of investments in and expenditures for demand-side programs, rate design modifications, accelerated depreciation on demand-side investments, and allowing the utility to retain a portion of the net benefits of a demand-side program for its shareholders. In setting rates the commission shall fairly apportion the costs and benefits of demand-side programs to each customer class except as provided for in subsection 6 of this section. Prior to approving a rate design modification associated with demand-side cost recovery, the commission shall conclude a docket studying the effects thereof and promulgate an appropriate rule.

6. The commission may reduce or exempt allocation of demand-side expenditures to low-income classes, as defined in an appropriate rate proceeding, as a subclass of residential service.

7. Provided that the customer has notified the electric corporation that the customer elects not to participate in demand-side measures offered by an electrical corporation, none of the costs of demand-side measures of an electric corporation offered under this section or by any other authority, and no other charges implemented in accordance with this section, shall be assigned to any account of any customer, including its affiliates and subsidiaries, meeting one or more of the following criteria:

(1) The customer has one or more accounts within the service territory of the electrical corporation that has a demand of five thousand kilowatts or more;

(2) The customer operates an interstate pipeline pumping station, regardless of size; or

(3) The customer has accounts within the service territory of the electrical corporation that have, in aggregate, a demand of two thousand five hundred kilowatts or more, and the customer has a comprehensive demand-side or energy efficiency program and can demonstrate an achievement of savings at least equal to those expected from utility-provided programs.

8. Customers that have notified the electrical corporation that they do not wish to participate in demand-side programs under this section shall not subsequently be eligible to participate in demand-side programs except under guidelines established by the commission in rulemaking.

9. Customers who participate in demand-side programs initiated after August 1, 2009, shall be required to participate in program funding for a period of time to be established by the commission in rulemaking.

10. Customers electing not to participate in an electric corporation's demand-side programs under this section shall still be allowed to participate in interruptible or curtailable rate schedules or tariffs offered by the electric corporation.

11. The commission shall provide oversight and may adopt rules and procedures and approve corporation-specific settlements and tariff provisions, independent evaluation of demand-side programs, as necessary, to ensure that electric corporations can achieve the goals of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

12. Each electric corporation shall submit an annual report to the commission describing the demand-side programs implemented by the utility in the previous year. The report shall document program expenditures, including incentive payments, peak demand and energy savings impacts and the techniques used to estimate those impacts, avoided costs and the techniques used to estimate those costs, the estimated cost-effectiveness of the demand-side programs, and the net economic benefits of the demand-side programs.

13. Charges attributable to demand-side programs under this section shall be clearly shown as a separate line item on bills to the electrical corporation's customers.

14. ~~[(1) Any customer of an electrical corporation who has received a state tax credit under sections 135.350 to 135.362 or under sections 253.545 to 253.561 shall not be eligible for participation in any demand side~~

program offered by an electrical corporation under this section if such program offers a monetary incentive to the customer, except as provided in subdivision (4) of this subsection.—

——— (2) As a condition of participation in any demand-side program offered by an electrical corporation under this section when such program offers a monetary incentive to the customer, the commission shall develop rules that require documentation to be provided by the customer to the electrical corporation to show that the customer has not received a tax credit listed in subdivision (1) of this subsection.—

——— (3) The penalty for a customer who provides false documentation under subdivision (2) of this subsection shall be a class A misdemeanor.—

——— (4) The provisions of this subsection shall not apply to any low-income customer who would otherwise be eligible to participate in a demand-side program that is offered by an electrical corporation to low-income customers.—

——— 15.] The commission shall develop rules that provide for disclosure of participants in all demand-side programs offered by electrical corporations under this section when such programs provide monetary incentives to the customer. The disclosure required by this subsection may include, but not be limited to, the following: the name of the participant, or the names of the ~~[principles]~~ **principals** if for a company, the property address, and the amount of the monetary incentive received."; and

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

Speaker Pro Tem Haahr resumed the Chair.

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

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

AMEND House Amendment No. 7 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11, Page 1, Line 12, by deleting the words "~~load~~ rate" and inserting in lieu thereof the word "load"; and

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

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

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

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

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11, Page 5, Section 87.770, Line 31, by inserting after all of said section and line the following:

"92.020. Any such municipality is hereby authorized by ordinance to levy a rate of taxation on all property subject to its taxing power for library, hospital, public health, recreation grounds and museum purposes, and the rate of taxation levied for such purposes shall be in addition to the maximum rate of taxation levied for general municipal purposes, as limited by the constitution or laws of this state. No tax levied for the special purposes enumerated in this section shall exceed the following annual rates:

- (1) Library, in the manner and at the rate authorized under the provisions of sections 182.140 to 182.301;
- (2) Hospital, ten cents on the hundred dollars assessed valuation;
- (3) Public health, ~~[two]~~ **sixty** cents on the hundred dollars assessed valuation;

- (4) Recreation grounds other than zoological park, two cents on the hundred dollars assessed valuation;  
(5) Zoological park, in the manner and at the rate authorized under the provisions of sections 90.640 and 90.650;  
(6) Art museum, in the manner and at the rate authorized by law.

**92.024. 1. The governing body of any city not within a county may, upon approval of a majority of the qualified voters of such city voting thereon, levy and collect a tax not to exceed sixty cents per one hundred dollars of assessed valuation upon all taxable property within the city for the purpose of providing public safety services. The tax so levied shall be collected along with other city taxes, in the manner provided by law. All funds collected for this purpose shall be deposited in a special fund for the provision of public safety services, and shall be used for no other purpose except those purposes authorized in sections 92.024 to 92.026. Deposits in the fund shall be expended only upon approval of the board of directors established in section 92.025 and only in accordance with the fund budget approved by the city governing body.**

**2. The question of whether the tax authorized by this section shall be imposed shall be submitted in substantially the following form:**

**OFFICIAL BALLOT**

Shall ..... (name of city) levy a tax of ..... cents per each one hundred dollars assessed valuation for the purpose of providing public safety services?

☐ YES

☐ NO

**92.025. 1. Upon the approval of the tax authorized under section 92.024 by the voters of the city not within a county, the tax so approved shall be imposed upon all taxable property within the city and the proceeds therefrom shall be deposited in a special fund, to be known as the "Public Safety Services Fund", which is hereby established within the city treasury. No moneys in the public safety services fund shall be spent until the board of directors provided for in subsection 2 of this section has been appointed and has taken office.**

**2. Upon approval of the tax authorized under section 92.024 by the voters of the city, the mayor of the city shall appoint a board of directors consisting of seven directors, who shall be selected from the city at large and shall, as nearly as practicable, represent the various groups to be served by the board. Each director shall be a resident of the city. Each director shall be appointed to serve for a term of four years and until his successor is duly appointed and qualified; except that, of the directors first appointed, one director shall be appointed for a term of one year, two directors shall be appointed for a term of two years, two directors shall be appointed for a term of three years, and two directors shall be appointed for a term of four years. Directors may be reappointed. All vacancies on the board of directors shall be filled for the remainder of the unexpired term by the mayor of the city. The directors shall not receive any compensation for their services, but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties from the moneys in the public safety services fund.**

**3. The administrative control and management of the funds in the public safety services fund and all programs to be funded therefrom shall rest solely with the board of directors appointed under subsection 2 of this section; except that, the budget for the public safety services fund shall be approved by the governing body of the city prior to the making of any payments from the fund in any fiscal year. The board of directors shall use the funds in the public safety services fund to provide programs or to pay for existing programs which will improve public safety. The budget may allocate funds for public safety services, including the compensation of public safety personnel who serve in the city in which such property taxes are collected. No funds in the public safety services fund may be used, directly or indirectly, for any political purpose. In providing such services, the board of directors may contract with any person to provide services relating, in whole or in part, to the services which the board itself may provide under this section, and for such purpose may expend the tax proceeds derived from the tax authorized by section 92.024.**

**4. The board of directors shall elect a chairman, vice chairman, and such other officers as it deems necessary; shall establish eligibility requirements for the programs it furnishes; and shall do all other things necessary to carry out the purposes of sections 92.024 to 92.026. A majority of the board of directors shall constitute a quorum.**

**5. The board of directors, with the approval of the governing body of the city, may accept any gift of property or money for the use and benefit of the persons to be served through the programs established and**

funded under sections 92.024 to 92.026, and may sell or exchange any such property so long as such sale or exchange is in the best interests of the programs provided under sections 92.024 to 92.026 and the proceeds from such sale or exchange are used exclusively to fund such programs.

92.026. 1. If the tax, special fund, and board of directors authorized by sections 92.024 to 92.026 are repealed or abolished, all funds remaining in the special fund shall be transferred to the general revenue fund of the city not within a county.

2. If the governing body of the city shall determine that an audit is necessary or desirable, the accounts of the board of directors shall be audited by a certified public accountant selected by the governing body of the city. An audit performed under this subsection shall also review the records of the receipts and disbursements and the property inventory of every officer or office of the board of directors which receives or disburses money on behalf of the board or which holds property belonging to the board. Upon the completion of the investigation, the certified public accountant shall render a report to the governing body of the city, along with a statement showing, under appropriate classifications, the receipts and disbursements of the board of directors during the period of the audit. The expense of an audit performed under this subsection shall be paid by the board of directors from funds in the public safety services fund."; and

Further amend said bill and page, Section 100.180, Line 9, by inserting after said section and line the following:

"Section B. Because of the importance of providing for public safety, the repeal and reenactment of section 92.020 and the enactment of sections 92.024, 92.025, and 92.026 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 92.020 and the enactment of sections 92.024, 92.025, and 92.026 of this act shall be in full force and effect upon its passage and approval."; and

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

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

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

AMEND House Amendment No. 8 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11, Page 1, Line 2, by deleting all of said line and inserting in lieu thereof the following:

"1, Section A, Line 3, by inserting the following after all of said section and line:

"67.990. 1. The governing body of any county or city not within a county may, upon approval of a majority of the qualified voters of such county or city voting thereon, levy and collect a tax not to exceed five cents per one hundred dollars of assessed valuation, or in any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants, the governing body may, upon approval of a majority of the qualified voters of the county voting thereon, levy and collect a tax not to exceed ten cents per one hundred dollars of assessed valuation upon all taxable property within the county or city or for the purpose of providing services to persons sixty years of age or older. The tax so levied shall be collected along with other county or city taxes, in the manner provided by law. All funds collected for this purpose shall be deposited in a special fund for the provision of services for persons sixty years of age or older, and shall be used for no other purpose except those purposes authorized in sections 67.990 to 67.995. Deposits in the fund shall be expended only upon approval of the board of directors established in section 67.993 and only in accordance with the fund budget approved by the county ~~or city governing body~~. **In a city not within a county, deposits in the fund shall be expended only in accordance with the budget approved by the board established in section 67.993.**

2. The question of whether the tax authorized by this section shall be imposed shall be submitted in substantially the following form:

OFFICIAL BALLOT

Shall ..... (name of county/city) levy a tax of ..... cents per each one hundred dollars assessed valuation for the purpose of providing services to persons sixty years of age or older?  
☐ YES ☐ NO

67.993. 1. Upon the approval of the tax authorized by section 67.990 by the voters of the county or city not within a county, the tax so approved shall be imposed upon all taxable property within the county or city and the proceeds therefrom shall be deposited in a special fund, to be known as the "Senior Citizens' Services Fund", which is hereby established within the county ~~or city~~ treasury. **In a city not within a county, the proceeds shall be deposited with the board established by law to administer such funds, which shall be known as the "Senior Citizen Services Fund" to accomplish the purposes set out herein and for no other purpose.** No moneys in the senior citizens' services fund shall be spent until the board of directors provided for in subsection 2 of this section has been appointed and has taken office.

2. Upon approval of the tax authorized by section 67.990 by the voters of the county or city, the governing body of the county or the mayor of the city shall appoint a board of directors consisting of seven directors, who shall be selected from the county or city at large and shall, as nearly as practicable, represent the various groups to be served by the board **and the demography of the political subdivision served.** Each director shall be a resident of the county or city. Each director shall be appointed to serve for a term of four years and until his successor is duly appointed and qualified; except that, of the directors first appointed, one director shall be appointed for a term of one year, two directors shall be appointed for a term of two years, two directors shall be appointed for a term of three years, and two directors shall be appointed for a term of four years. Directors may be reappointed. All vacancies on the board of directors shall be filled for the remainder of the unexpired term by the governing body of the county or mayor of the city. The directors shall not receive any compensation for their services, but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties from the moneys in the senior citizens' services fund.

3. The administrative control and management of the funds in the senior citizens' services fund and all programs to be funded therefrom shall rest solely with the board of directors appointed under subsection 2 of this section; except that, the budget for the senior citizens' services fund shall be approved by the governing body of the county ~~or city~~ prior to making of any payments from the fund in any fiscal year. **In a city not within a county, such fund shall be administered by and expended only upon approval by a board of directors established under this section.** The board of directors shall use the funds in the senior citizens' services fund to provide programs which will improve the health, nutrition, and quality of life of persons who are sixty years of age or older. The budget may allocate funds for operational and capital needs to senior-related programs in the county or city in which such property taxes are collected. No funds in the senior citizens' services fund may be used, directly or indirectly, for any political purpose. In providing such services, the board of directors may contract with any person to provide services relating, in whole or in part, to the services which the board itself may provide under this section, and for such purpose may expend the tax proceeds derived from the tax authorized by section 67.990.

4. The board of directors shall elect a chairman, vice chairman, and such other officers as it deems necessary; shall establish eligibility requirements for the programs it furnishes; and shall do all other things necessary to carry out the purposes of sections 67.990 to 67.995. A majority of the board of directors shall constitute a quorum.

5. The board of directors, with the approval of the governing body of the county ~~or city~~, may accept any gift of property or money for the use and benefit of the persons to be served through the programs established and funded under sections 67.990 to 67.995, and may sell or exchange any such property so long as such sale or exchange is in the best interests of the programs provided under sections 67.990 to 67.995 and the proceeds from such sale or exchange are used exclusively to fund such programs. **In a city not within a county, the board of directors may solicit, accept, and expend grants from private or public entities and enter into agreements to effectuate such grants so long as the transaction is in the best interests of the programs provided by the board and the proceeds are used exclusively to fund such programs."**; and

Further amend said bill, Page 5, Section 87.770, Line 31, by inserting after all of said line the following:";  
and

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

On motion of Representative May, **House Amendment No. 1 to House Amendment No. 8** was adopted.

On motion of Representative Wessels, **House Amendment No. 8, as amended**, was adopted.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

Alferman	Anderson	Andrews	Austin	Bahr
Barnes 60	Basye	Beard	Bernskoetter	Black
Bondon	Brattin	Brown 94	Chipman	Christofanelli
Cierpiot	Corlew	Cornejo	Crawford	Cross
Davis	DeGroot	Dogan	Dohrman	Eggleston
Engler	Evans	Fitzwater 144	Fitzwater 49	Fraker
Franklin	Gannon	Gregory	Grier	Haahr
Hannegan	Hansen	Helms	Henderson	Hill
Houghton	Houx	Hurst	Johnson	Justus
Kelly 141	Kidd	Kolkmeier	Korman	Lant
Lauer	Lichtenegger	Love	Lynch	Marshall
Mathews	McCaherty	McGaugh	Messenger	Miller
Moon	Morris	Neely	Pfautsch	Phillips
Pike	Plocher	Pogue	Redmon	Rehder
Reisch	Remole	Rhoads	Roeber	Rone
Ross	Rowland 155	Ruth	Shaul 113	Shull 16
Shumake	Smith 163	Sommer	Spencer	Stacy
Stephens 128	Swan	Tate	Taylor	Trent
Walker 3	White	Wiemann	Wilson	Wood

NOES: 041

Adams	Anders	Arthur	Bangert	Baringer
Barnes 28	Beck	Brown 27	Burnett	Burns
Butler	Carpenter	Conway 10	Curtis	Ellebracht
Ellington	Green	Harris	Kendrick	Lavender
May	McCreery	McGee	Meredith 71	Merideth 80
Mitten	Morgan	Mosley	Newman	Nichols
Peters	Quade	Razer	Roberts	Rowland 29
Runions	Smith 85	Stevens 46	Unsicker	Walker 74
Wessels				

PRESENT: 000

ABSENT WITH LEAVE: 026

Berry	Brown 57	Conway 104	Cookson	Curtman
Dunn	Fitzpatrick	Francis	Franks Jr	Frederick
Gray	Haefner	Higdon	Hubrecht	Kelley 127
Matthiesen	McCann Beatty	McDaniel	Muntzel	Pierson Jr
Pietzman	Reiboldt	Roden	Schroer	Vescovo
Mr. Speaker				

VACANCIES: 001

**HCS SCS SB 11, as amended**, was referred to the Committee on Fiscal Review pursuant to Rule 53.

On motion of Representative Cierpiot, 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 Haahr.

Representative Cierpiot suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 030

Alferman	Basye	Bernskoetter	Bondon	Brown 27
Burns	Butler	Cookson	Curtman	Davis
Engler	Fraker	Gannon	Hansen	Hurst
Justus	Kelly 141	Kidd	Korman	Muntzel
Newman	Nichols	Phillips	Pogue	Redmon
Remole	Roeber	Rowland 29	Taylor	White

NOES: 002

Dogan	Neely
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PRESENT: 073

Adams	Anderson	Arthur	Austin	Bangert
Baringer	Barnes 60	Barnes 28	Black	Brown 57
Brown 94	Cierpiot	Conway 104	Corlew	Crawford
Cross	Dohrman	Eggleston	Evans	Frederick
Gregory	Grier	Haahr	Haefner	Hannegan
Harris	Helms	Henderson	Higdon	Hill
Houghton	Houx	Hubrecht	Johnson	Kendrick
Kolkmeyer	Lant	Lavender	Lichtenegger	Love
Lynch	Mathews	Matthiesen	McCann Beatty	McCreery
Messenger	Miller	Moon	Peters	Pfautsch
Pierson Jr	Pike	Quade	Reisch	Rone
Ross	Rowland 155	Runions	Ruth	Shaul 113
Shull 16	Shumake	Sommer	Stacy	Stephens 128
Swan	Tate	Unsicker	Vescovo	Walker 3
Wiemann	Wilson	Mr. Speaker		

ABSENT WITH LEAVE: 057

Anders	Andrews	Bahr	Beard	Beck
Berry	Brattin	Burnett	Carpenter	Chipman
Christofanelli	Conway 10	Cornejo	Curtis	DeGroot
Dunn	Ellebracht	Ellington	Fitzpatrick	Fitzwater 144
Fitzwater 49	Francis	Franklin	Franks Jr	Gray
Green	Kelley 127	Lauer	Marshall	May
McCaherty	McDaniel	McGaugh	McGee	Meredith 71
Merideth 80	Mitten	Morgan	Morris	Mosley

Pietzman	Plocher	Razer	Rehder	Reiboldt
Rhoads	Roberts	Roden	Schroer	Smith 85
Smith 163	Spencer	Stevens 46	Trent	Walker 74
Wessels	Wood			

VACANCIES: 001

Speaker Richardson assumed the Chair.

## COMMITTEE REPORTS

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

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SS SCS HB 93**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (11): Conway (104), Fraker, Haefner, Morgan, Morris, Rowland (29), Smith (163), Swan, Unsicker, Wessels and Wood

Noes (0)

Absent (3): Alferman, Vescovo and Wiemann

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SS#2 HCS HB 151, as amended**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (11): Conway (104), Fraker, Haefner, Morgan, Morris, Rowland (29), Smith (163), Swan, Unsicker, Wessels and Wood

Noes (0)

Absent (3): Alferman, Vescovo and Wiemann

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SB 11, as amended**, with **House Amendment No. 8**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (11): Conway (104), Fraker, Haefner, Morgan, Morris, Rowland (29), Smith (163), Swan, Unsicker, Wessels and Wood

Noes (0)

Absent (3): Alferman, Vescovo and Wiemann

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **CCR SB 50, as amended**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (11): Conway (104), Fraker, Haefner, Morgan, Morris, Rowland (29), Smith (163), Swan, Unsicker, Wessels and Wood

Noes (0)

Absent (3): Alferman, Vescovo and Wiemann



## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS HCR 47**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 302, as amended**.

Senators: Wieland, Emery, Cunningham, Walsh and Nasheed

## APPOINTMENT OF CONFERENCE COMMITTEES

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

**HCS SCS SB 139:** Representatives Wood, Alferman, Haefner, Kendrick and Walker (74)

**HCS SB 283:** Representatives Andrews, Wiemann, Mathews, Merideth (80) and Wessels

## THIRD READING OF SENATE BILLS

**HCS SS SB 35**, relating to state purchases of land, was taken up by Representative Ross.

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

### *House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 35, Page 2, Section 34.030, Line 31, by inserting after all of said section and line the following:

**"Section 1. 1. The director of the department of natural resources is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim to all interest of the department of natural resources in property located in Jackson County, Missouri, to the City of Independence. The property to be conveyed is more particularly described as follows:**

#### **TRACT I:**

**All of Lots 5, 8, 9 and 12, Catherine Atkins Subdivision of Lot 7 of Woodson's Subdivision of Lots 93, 130, 131 and 142, OLD TOWN OF INDEPENDENCE, a Subdivision in Independence, Jackson County, Missouri, lying North of the Lexington Branch of the Missouri Pacific Railroad.**

#### **TRACT III:**

**All of the West half of Lot 141, OLD TOWN OF INDEPENDENCE, a Subdivision in Independence, Jackson County, Missouri, lying North of the Lexington Branch of the Missouri Pacific Railroad.**

**TRACT IV:**

**All of the South 281 1/2 feet of the East half of Lot 141, OLD TOWN OF INDEPENDENCE, a Subdivision in Independence, Jackson County, Missouri, except the South 166 1/2 feet thereof and except ALL that part of Lot 141. OLD TOWN INDEPENDENCE, a Subdivision in Independence, Jackson County, Missouri, described as follows: Commencing at the Southeast corner of said Lot 141; thence North along the East line of said Lot 141, a distance of 166 1/2 feet to the true point of beginning; thence continuing North along said East line of said Lot 141, a distance of 115 feet; thence West 100 feet; thence South 115 feet; thence East to the point of beginning, according to the recorded plat thereof.**

**TRACT V:**

**All of the West half of Lot 141, OLD TOWN OF INDEPENDENCE, a Subdivision in Independence, Jackson County, Missouri, lying South of the Lexington Branch of the Missouri Pacific Railroad, except the South 166 1/2 feet thereof.**

**TRACT II:**

**All of Lot 12, Catherine Atkins Subdivision of Lot 7 of Woodson's Subdivision of Lots 93, 130, 131 and 142, OLD TOWN OF INDEPENDENCE, a Subdivision in Independence, Jackson County, Missouri lying South of the Lexington Branch of Missouri Pacific Railroad.**

**TRACT VI:**

**All of the South 166 1/2 feet of Lot 141, OLD TOWN OF INDEPENDENCE, a Subdivision in Independence, Jackson County, Missouri, except the South 30 feet thereof in street.**

**Eugene L. Selders and Monica T. Selders were husband and wife when they acquired title to the premises in question and remained husband and wife, continuously, never having been divorced, until the date of his death on June 24, 1979 at Kansas City, Jackson County, Missouri.**

**2. The director of the department of natural resources shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.**

**3. The attorney general shall approve the form of the instrument of conveyance."; and**

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

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

Representative Fitzpatrick assumed the Chair.

On motion of Representative Ross, the title of **HCS SS SB 35, as amended**, relating to the department of natural resources, was agreed to.

On motion of Representative Ross, **HCS SS SB 35, as amended**, was adopted.

On motion of Representative Ross, **HCS SS SB 35, as amended**, was read the third time and passed by the following vote:

AYES: 126

Adams	Alferman	Anderson	Andrews	Arthur
Austin	Bahr	Bangert	Baringer	Barnes 60
Barnes 28	Basye	Beard	Bernskoetter	Berry
Black	Bondon	Brattin	Brown 27	Brown 57
Brown 94	Burns	Carpenter	Chipman	Christofanelli
Cierpiot	Conway 104	Cookson	Corlew	Crawford
Cross	Curtis	Davis	Dogan	Dohrman
Eggleston	Ellebracht	Ellington	Engler	Evans
Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker	Francis
Franklin	Franks Jr	Frederick	Gannon	Green
Gregory	Grier	Haahr	Haefner	Hannegan
Hansen	Harris	Helms	Henderson	Higdon
Houghton	Houx	Hubrecht	Hurst	Johnson
Justus	Kelley 127	Kelly 141	Kidd	Kolkmeier
Korman	Lant	Lauer	Lichtenegger	Love
Lynch	Marshall	Mathews	Matthiesen	McCaherty
McCann Beatty	McDaniel	McGaugh	Meredith 71	Messenger
Moon	Morris	Muntzel	Neely	Nichols
Peters	Pfautsch	Phillips	Pietzman	Pike
Plocher	Razer	Rehder	Reiboldt	Reisch
Remole	Rhoads	Roeber	Ross	Rowland 155
Ruth	Schroer	Shaul 113	Shull 16	Shumake
Smith 85	Smith 163	Stacy	Stephens 128	Swan
Tate	Taylor	Trent	Vescovo	Walker 3
Wessels	White	Wiemann	Wilson	Wood
Mr. Speaker				

NOES: 021

Anders	Beck	Conway 10	Gray	Kendrick
Lavender	May	McCreery	Merideth 80	Mitten
Morgan	Mosley	Newman	Pierson Jr	Pogue
Quade	Roberts	Rowland 29	Runions	Stevens 46
Unsicker				

PRESENT: 000

ABSENT WITH LEAVE: 015

Burnett	Butler	Cornejo	Curtman	DeGroot
Dunn	Hill	McGee	Miller	Redmon
Roden	Rone	Sommer	Spencer	Walker 74

VACANCIES: 001

Representative Fitzpatrick declared the bill passed.

Speaker Pro Tem Haahr resumed the Chair.

**HCS SCS SB 112, as amended**, relating to political subdivisions, was taken up by Representative Tate.

On motion of Representative Tate, the title of **HCS SCS SB 112, as amended**, was agreed to.

On motion of Representative Tate, **HCS SCS SB 112, as amended**, was adopted.

On motion of Representative Tate, **HCS SCS SB 112, as amended**, was read the third time and passed by the following vote:

AYES: 129

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Bangert	Baringer	Barnes 60
Barnes 28	Basye	Beard	Beck	Bernskoetter
Berry	Black	Bondon	Brown 27	Brown 57
Burnett	Burns	Carpenter	Chipman	Christofanelli
Cierpiot	Conway 10	Conway 104	Cookson	Corlew
Cornejo	Crawford	Davis	DeGroot	Dogan
Dohrman	Eggleston	Ellebracht	Engler	Evans
Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker	Francis
Franklin	Franks Jr	Frederick	Gray	Green
Gregory	Grier	Haahr	Haefner	Hannegan
Hansen	Harris	Helms	Henderson	Higdon
Hill	Houghton	Houx	Hubrecht	Johnson
Justus	Kelley 127	Kelly 141	Kendrick	Kidd
Korman	Lant	Lauer	Lavender	Lichtenegger
Love	Lynch	Matthiesen	McCaherty	McCreery
McGaugh	Meredith 71	Merideth 80	Messenger	Morris
Mosley	Neely	Newman	Peters	Pfautsch
Phillips	Pierson Jr	Pietzman	Pike	Plocher
Quade	Razer	Rehder	Reiboldt	Reisch
Remole	Rhoads	Roberts	Roeber	Rone
Rowland 155	Rowland 29	Runions	Ruth	Schroer
Shaul 113	Shull 16	Shumake	Smith 85	Smith 163
Sommer	Stephens 128	Stevens 46	Swan	Tate
Trent	Unsicker	Vescovo	Walker 3	Walker 74
Wessels	White	Wiemann	Wood	

NOES: 016

Bahr	Brattin	Brown 94	Curtis	Curtman
Ellington	Hurst	Marshall	McCann Beatty	McDaniel
Mitten	Moon	Pogue	Ross	Taylor
Wilson				

PRESENT: 000

ABSENT WITH LEAVE: 017

Butler	Cross	Dunn	Gannon	Kolkmeier
Mathews	May	McGee	Miller	Morgan
Muntzel	Nichols	Redmon	Roden	Spencer
Stacy	Mr. Speaker			

VACANCIES: 001

Speaker Pro Tem Haahr declared the bill passed.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Alferman	Anderson	Andrews	Austin	Bahr
Barnes 60	Basye	Beard	Bernskoetter	Black
Bondon	Brattin	Brown 57	Brown 94	Chipman
Christofanelli	Cierpiot	Corlew	Crawford	Cross
Curtman	Davis	DeGroot	Dogan	Dohrman
Eggleston	Evans	Fitzpatrick	Fitzwater 144	Fitzwater 49
Fraker	Francis	Franklin	Frederick	Gannon
Gregory	Grier	Haahr	Haefner	Hannegan
Hansen	Helms	Henderson	Higdon	Hill
Houghton	Houx	Hubrecht	Hurst	Johnson
Justus	Kelley 127	Kelly 141	Kidd	Kolkmeier
Korman	Lant	Lauer	Love	Lynch
Marshall	Mathews	Matthiesen	McCaherty	McDaniel
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Pfautsch	Phillips	Pietzman
Pike	Plocher	Pogue	Rehder	Reiboldt
Reisch	Remole	Rhoads	Roeber	Rone
Ross	Rowland 155	Ruth	Schroer	Shaul 113
Shumake	Smith 163	Sommer	Spencer	Stacy
Stephens 128	Swan	Tate	Taylor	Trent
Vescovo	Walker 3	White	Wiemann	Wilson
Wood				

NOES: 043

Adams	Anders	Arthur	Bangert	Baringer
Barnes 28	Beck	Brown 27	Burnett	Burns
Carpenter	Conway 10	Curtis	Ellington	Engler
Franks Jr	Gray	Green	Harris	Kendrick
Lavender	May	McCann Beatty	McCreery	Meredith 71
Merideth 80	Mitten	Morgan	Mosley	Newman
Nichols	Peters	Pierson Jr	Quade	Razer
Roberts	Rowland 29	Runions	Smith 85	Stevens 46
Unsicker	Walker 74	Wessels		

PRESENT: 000

ABSENT WITH LEAVE: 013

Berry	Butler	Conway 104	Cookson	Cornejo
Dunn	Ellebracht	Lichtenegger	McGee	Redmon
Roden	Shull 16	Mr. Speaker		

VACANCIES: 001

The emergency clause was defeated by the following vote:

AYES: 092

Adams	Alferman	Anders	Andrews	Arthur
Bangert	Baringer	Barnes 28	Beck	Black
Bondon	Brown 27	Brown 57	Burnett	Burns
Carpenter	Cierpiot	Conway 10	Conway 104	Corlew
Crawford	Cross	Davis	Dohrman	Evans

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Fitzwater 144	Fraker	Franks Jr	Gannon	Gray
Green	Gregory	Haahr	Haefner	Hannegan
Hansen	Harris	Hill	Kelley 127	Kendrick
Kolkmeyer	Lant	Lauer	Lavender	Lichtenegger
Love	Lynch	Mathews	Matthiesen	McCann Beatty
McGaugh	Meredith 71	Merideth 80	Messenger	Miller
Mitten	Morgan	Mosley	Muntzel	Neely
Newman	Nichols	Pfautsch	Phillips	Pierson Jr
Pike	Plocher	Quade	Razer	Reiboldt
Remole	Rhoads	Roberts	Rone	Rowland 155
Rowland 29	Runions	Shull 16	Shumake	Sommer
Spencer	Stephens 128	Stevens 46	Swan	Tate
Unsicker	Vescovo	Walker 3	Walker 74	Wessels
White	Wood			

NOES: 057

Anderson	Austin	Bahr	Barnes 60	Basye
Beard	Bernskoetter	Brattin	Brown 94	Chipman
Christofanelli	Curtis	Curtman	DeGroot	Dogan
Eggleston	Ellington	Engler	Fitzpatrick	Fitzwater 49
Francis	Franklin	Frederick	Grier	Helms
Henderson	Higdon	Houghton	Houx	Hubrecht
Hurst	Johnson	Justus	Kelly 141	Kidd
Marshall	May	McCaherty	McCreery	McDaniel
Moon	Pietzman	Pogue	Rehder	Reisch
Roeber	Ross	Ruth	Schroer	Shaul 113
Smith 85	Smith 163	Stacy	Taylor	Trent
Wiemann	Wilson			

PRESENT: 001

Peters

ABSENT WITH LEAVE: 012

Berry	Butler	Cookson	Cornejo	Dunn
Ellebracht	Korman	McGee	Morris	Redmon
Roden	Mr. Speaker			

VACANCIES: 001

**HCS SCS SB 11, as amended**, relating to disposition of municipal assets, was again taken up by Representative Fraker.

On motion of Representative Fraker, the title of **HCS SCS SB 11, as amended**, relating to political subdivisions, was agreed to.

On motion of Representative Fraker, **HCS SCS SB 11, as amended**, was adopted.

On motion of Representative Fraker, **HCS SCS SB 11, as amended**, was read the third time and passed by the following vote:

AYES: 101

Adams	Alferman	Anders	Anderson	Andrews
Austin	Bahr	Baringer	Basye	Beard
Bernskoetter	Black	Bondon	Brown 27	Brown 57
Cierpiot	Conway 10	Corlew	Crawford	Cross
Davis	DeGroot	Dogan	Dohrman	Eggleston
Engler	Evans	Fitzpatrick	Fitzwater 144	Fitzwater 49
Fraker	Francis	Franklin	Gannon	Gray
Green	Grier	Haahr	Haefner	Hannegan
Hansen	Henderson	Hill	Houghton	Houx
Justus	Kelley 127	Kelly 141	Kidd	Kolkmeier
Lant	Lauer	Lichtenegger	Love	Lynch
Mathews	Matthiesen	McCaherty	McGaugh	Meredith 71
Messenger	Mitten	Morgan	Morris	Muntzel
Neely	Newman	Nichols	Pfautsch	Phillips
Pierson Jr	Pike	Plocher	Rehder	Reiboldt
Reisch	Remole	Rhoads	Roberts	Rone
Rowland 155	Rowland 29	Runions	Schroer	Shaul 113
Shull 16	Shumake	Smith 163	Sommer	Stephens 128
Swan	Tate	Trent	Unsicker	Vescovo
Walker 3	Wessels	White	Wiemann	Wood
Mr. Speaker				

NOES: 048

Arthur	Bangert	Barnes 60	Barnes 28	Beck
Brattin	Brown 94	Burnett	Carpenter	Chipman
Christofanelli	Curtis	Curtman	Ellington	Franks Jr
Frederick	Gregory	Harris	Helms	Higdon
Hubrecht	Hurst	Johnson	Kendrick	Lavender
Marshall	May	McCann Beatty	McCreery	McDaniel
Merideth 80	Moon	Mosley	Peters	Pietzman
Pogue	Quade	Razer	Roeber	Ross
Ruth	Smith 85	Spencer	Stacy	Stevens 46
Taylor	Walker 74	Wilson		

PRESENT: 000

ABSENT WITH LEAVE: 013

Berry	Burns	Butler	Conway 104	Cookson
Cornejo	Dunn	Ellebracht	Korman	McGee
Miller	Redmon	Roden		

VACANCIES: 001

Speaker Pro Tem Haahr declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 014

Anders	Arthur	Baringer	Brown 27	Burnett
Butler	McCann Beatty	McGee	Meredith 71	Morgan
Newman	Runions	Walker 74	Wessels	

NOES: 136

Adams	Alferman	Anderson	Andrews	Austin
Bahr	Bangert	Barnes 60	Barnes 28	Basye
Beard	Beck	Bernskoetter	Black	Bondon
Brattin	Brown 57	Brown 94	Burns	Carpenter
Chipman	Christofanelli	Cierpiot	Conway 10	Corlew
Crawford	Cross	Curtis	Curtman	Davis
DeGroot	Dogan	Dohrman	Eggleston	Ellebracht
Ellington	Engler	Evans	Fitzpatrick	Fitzwater 144
Fitzwater 49	Fraker	Francis	Franklin	Franks Jr
Frederick	Gannon	Gray	Green	Gregory
Grier	Haahr	Haefner	Hannegan	Hansen
Harris	Helms	Henderson	Higdon	Hill
Houghton	Houx	Hubrecht	Hurst	Johnson
Justus	Kelley 127	Kelly 141	Kendrick	Kolkmeier
Lant	Lauer	Lavender	Lichtenegger	Love
Lynch	Marshall	Mathews	McCaherty	McCreery
McDaniel	McGaugh	Merideth 80	Messenger	Miller
Mitten	Moon	Morris	Mosley	Muntzel
Neely	Nichols	Peters	Pfautsch	Phillips
Pierson Jr	Pietzman	Pike	Plocher	Pogue
Quade	Razer	Rehder	Reiboldt	Reisch
Remole	Rhoads	Roberts	Roeber	Rone
Ross	Rowland 155	Rowland 29	Ruth	Schroer
Shaul 113	Shull 16	Shumake	Smith 85	Smith 163
Sommer	Spencer	Stacy	Stephens 128	Stevens 46
Swan	Tate	Taylor	Trent	Unsicker
Vescovo	Walker 3	White	Wiemann	Wilson
Wood				

PRESENT: 000

ABSENT WITH LEAVE: 012

Berry	Conway 104	Cookson	Cornejo	Dunn
Kidd	Korman	Matthiesen	May	Redmon
Roden	Mr. Speaker			

VACANCIES: 001

**HCS SCS SB 421**, relating to the authorization of the conveyance of certain state properties to the city of Independence, was taken up by Representative Kidd.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 421, Page 1, Section A, Line 2, by inserting immediately after all of said section and line the following:

"8.012. **1.** At all state buildings and upon the grounds thereof, the board of public buildings ~~may~~ **shall** accompany the display of the flag of the United States and the flag of this state with the display of the POW/MIA flag, which is designed to commemorate the service and sacrifice of the members of the Armed Forces of the United States who were prisoners of war or missing in action and with the display of the Honor and Remember flag as an official recognition and in honor of fallen members of the Armed Forces of the United States.



**2. If a state building does not possess a POW/MIA flag the board shall reach out to local veterans organizations to obtain a donated flag.**

**3. If the state building is unable to obtain a donated flag or if displaying the flag on the existing flagpole would in any circumstance be inconsistent with the provisions of the state of Missouri policy for display of national and state flags, the state building shall be exempt from this section."; and**

Further amend said bill, Page 5, Section 37.005, Line 154, by inserting immediately after all of said section and line the following:

"253.048. **1.** Within the state parks, the department ~~[may]~~ **shall** accompany the display of the flag of the United States and the flag of this state with the display of the MIA/POW flag, which is designed to commemorate the service and sacrifice of members of the Armed Forces of the United States who were prisoners of war or missing in action and with the display of the Honor and Remember flag as an official recognition and in honor of fallen members of the Armed Forces of the United States.

**2. If a state park does not possess a POW/MIA flag the department shall reach out to local veterans organizations to obtain a donated flag.**

**3. If the state park is unable to obtain a donated flag or if displaying the flag on the existing flagpole would in any circumstance be inconsistent with the provisions of the state of Missouri policy for display of national and state flags, the state park shall be exempt from this section."; and**

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 421, Page 5, Section 37.005, Line 154, by inserting after all of said section and line the following:

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

(1) "Law enforcement officer", a sheriff or peace officer of a municipality with the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of municipalities;

(2) "Municipality", any county, city, town, or village;

(3) "Municipality official", any elected or appointed official or any law enforcement officer serving the municipality;

(4) "Sanctuary policy", any municipality's order ~~[or]~~, ordinance, **or law enforcement policy, regardless of whether formally enacted or ~~[followed]~~ informally adopted**, that:

(a) Limits or prohibits any municipality official or person employed by the municipality from communicating or cooperating with federal agencies or officials to verify or report the immigration status of any alien within such municipality; ~~[or]~~

(b) Grants to illegal aliens the right to lawful presence or status within the municipality in violation of federal law~~[-]~~;

(c) **Violates 8 U.S.C. Section 1373 in any way;**

(d) **Restricts in any way, or imposes any conditions upon, the municipality's cooperation or compliance with detainers or other requests from United States Immigration and Customs Enforcement to maintain custody of any alien or to transfer any alien to the custody of United States Immigration and Customs Enforcement;**

(e) **Requires United States Immigration and Customs Enforcement to obtain a warrant or demonstrate probable cause before complying with detainers or other requests from United States Immigration and Customs Enforcement to maintain custody of any alien or to transfer any alien to the custody of United States Immigration and Customs Enforcement; or**

**(f) Prevents the municipality's law enforcement officers from asking any individual his or her citizenship or immigration status.**

2. No municipality shall enact or adopt any sanctuary policy. Any municipality that enacts or adopts a sanctuary policy shall be ineligible for any moneys provided through grants administered by any state agency or department until the sanctuary policy is repealed or is no longer in effect. Upon the complaint of any state resident regarding a specific government entity, agency, or political subdivision of this state or prior to the provision of funds or awarding of any grants to a government entity, agency, or political subdivision of this state, any member of the general assembly may request that the attorney general of the state of Missouri issue an opinion stating whether the government entity, agency, or political subdivision has current policies in contravention of this section.

3. The governing body, sheriff, or chief of police of each municipality shall provide each law enforcement officer with written notice of their duty to cooperate with state and federal agencies and officials on matters pertaining to enforcement of state and federal laws governing immigration.

4. This section shall become effective on January 1, 2009."; and

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

Representative Taylor assumed the Chair.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Alferman	Anderson	Andrews	Austin	Barnes 60
Basye	Beard	Bernskoetter	Black	Bondon
Brattin	Brown 94	Chipman	Christofanelli	Cierpiot
Conway 104	Cornejo	Crawford	Cross	Curtman
Davis	DeGroot	Dogan	Dohrman	Eggleston
Ellebracht	Engler	Evans	Fitzpatrick	Fitzwater 144
Fitzwater 49	Fraker	Francis	Franklin	Frederick
Gannon	Gregory	Grier	Haahr	Haefner
Hannegan	Hansen	Helms	Henderson	Higdon
Hill	Houx	Hubrecht	Hurst	Johnson
Justus	Kidd	Lant	Lauer	Lichtenegger
Love	Lynch	Mathews	Matthiesen	McCaherty
McDaniel	McGaugh	Messenger	Moon	Morris
Muntzel	Neely	Phillips	Pietzman	Pike
Plocher	Pogue	Rehder	Reiboldt	Reisch
Remole	Rhoads	Roeber	Rone	Rowland 155
Ruth	Shaul 113	Shull 16	Shumake	Smith 163
Sommer	Spencer	Stacy	Stephens 128	Swan
Tate	Taylor	Trent	Vescovo	Walker 3
White	Wiemann	Wilson	Wood	Mr. Speaker

NOES: 040

Adams	Anders	Arthur	Bangert	Baringer
Barnes 28	Beck	Brown 27	Burnett	Burns
Carpenter	Conway 10	Curtis	Ellington	Franks Jr
Gray	Green	Harris	Lavender	McCann Beatty
McCreery	Meredith 71	Merideth 80	Mitten	Morgan
Mosley	Newman	Nichols	Peters	Pierson Jr
Quade	Razer	Roberts	Rowland 29	Runions
Smith 85	Stevens 46	Unsicker	Walker 74	Wessels

PRESENT: 000

ABSENT WITH LEAVE: 022

Bahr	Berry	Brown 57	Butler	Cookson
Corlew	Dunn	Houghton	Kelley 127	Kelly 141
Kendrick	Kolkmeyer	Korman	Marshall	May
McGee	Miller	Pfausch	Redmon	Roden
Ross	Schroer			

VACANCIES: 001

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 421, Page 1, Section A, Line 2, by inserting immediately after all of said section and line the following:

"34.378. 1. The state shall not enter into a contingency fee contract with a private attorney unless the attorney general makes a written determination prior to entering into such a contract that contingency fee representation is both cost effective and in the public interest. Any written determination shall include specific findings for each of the following factors:

- (1) Whether there exists sufficient and appropriate legal and financial resources within the attorney general's office to handle the matter;
- (2) The time and labor required; the novelty, complexity, and difficulty of the questions involved; and the skill requisite to perform the attorney services properly;
- (3) The geographic area where the attorney services are to be provided; and
- (4) The amount of experience desired for the particular kind of attorney services to be provided and the nature of the private attorney's experience with similar issues or cases.

2. If the attorney general makes the determination described in subsection 1 of this section, the attorney general shall request written proposals from private attorneys to represent the state, unless the attorney general determines that requesting proposals is not feasible under the circumstances and sets forth the basis for this determination in writing. If a request for proposals is issued, the attorney general shall choose the lowest and best bid or request **that** the office of administration establish an independent panel to evaluate the proposals and choose the lowest and best bid.

3. The state shall not enter into a contract for contingency fee attorney services unless the following requirements are met throughout the contract period and any extensions to the contract:

- (1) The government attorneys shall retain complete control over the course and conduct of the case;
  - (2) A government attorney with supervisory authority shall oversee the litigation;
  - (3) The government attorneys shall retain veto power over any decisions made by outside counsel;
  - (4) A government attorney with supervisory authority for the case shall attend all settlement conferences;
- and

(5) Decisions regarding settlement of the case shall be reserved exclusively to the discretion of the attorney general.

4. The attorney general shall develop a standard addendum to every contract for contingent fee attorney services that shall be used in all cases, describing in detail what is expected of both the contracted private attorney and the state, including, without limitation, the requirements listed in subsection 3 of this section.

5. Copies of any executed contingency fee contract and the attorney general's written determination to enter into a contingency fee contract with the private attorney shall be posted on the attorney general's website for public inspection within five business days after the date the contract is executed and shall remain posted on the website for the duration of the contingency fee contract, including any extensions or amendments to the contract.

Any payment of contingency fees shall be posted on the attorney general's website within fifteen days after the payment of such contingency fees to the private attorney and shall remain posted on the website for at least three hundred sixty-five days.

6. Any private attorney under contract to provide services to the state on a contingency fee basis shall, from the inception of the contract until at least four years after the contract expires or is terminated, maintain detailed current records, including documentation of all expenses, disbursements, charges, credits, underlying receipts and invoices, and other financial transactions that concern the provision of such attorney services. The private attorney shall maintain detailed contemporaneous time records for the attorneys and paralegals working on the matter in increments of no greater than one-tenth of an hour and shall promptly provide these records to the attorney general, upon request. Any request under chapter 610 for inspection and copying of such records shall be served upon and responded to by the attorney general's office.

7. **Except as otherwise provided in subsection 8 of this section, a retained private attorney is not entitled to a fee, exclusive of any costs and expenses described in subsection 8 of this section, of more than:**

- (1) **Fifteen percent of that portion of any amount recovered that is ten million dollars or less;**
- (2) **Ten percent of that portion of any amount recovered that is more than ten million dollars but less than or equal to fifteen million dollars;**
- (3) **Five percent of that portion of any amount recovered that is more than fifteen million dollars but less than or equal to twenty million dollars; and**
- (4) **Two percent of that portion of any amount recovered that is more than twenty million dollars.**

8. **The total fee payable to all retained private attorneys in any matter that is the subject of a contingency fee contract shall not exceed ten million dollars, exclusive of any costs and expenses provided for by the contract and actually incurred by the retained private attorneys, regardless of the number of actions or proceedings or the number of retained private attorneys involved in the matter.**

9. **A contingency fee:**

- (1) **Is payable only from moneys that are actually received under a judgment or settlement agreement; and**
- (2) **Shall not be based on any amount attributable to a fine or civil penalty.**

10. **As used in this section, amount recovered does not include any moneys paid as costs.**

11. By February first of each year, the attorney general shall submit a report to the president pro tem of the senate and the speaker of the house of representatives describing the use of contingency fee contracts with private attorneys in the preceding calendar year. At a minimum, the report shall:

- (1) Identify all new contingency fee contracts entered into during the year and all previously executed contingency fee contracts that remain current during any part of the year, and for each contract describe:
  - (a) The name of the private attorney with whom the department has contracted, including the name of the attorney's law firm;
  - (b) The nature and status of the legal matter;
  - (c) The name of the parties to the legal matter;
  - (d) The amount of any recovery; and
  - (e) The amount of any contingency fee paid;
- (2) Include copies of any written determinations made under subsections 1 and 2 of this section."; and

Further amend said bill, Page 5, Section 37.005, Line 154, by inserting immediately after all of said section and line the following:

**"37.851. 1. The general assembly and every department or division of the executive branch of the state, including the office of any statewide elected official and any executive branch appointee, shall document and make easily available to the public on the MissouriBUYS statewide e-procurement system operated and maintained by the office of administration the following information for all contracts entered into greater than two thousand five hundred dollars for the provision of legal services by a private law firm:**

- (1) **The dollar amount of each such contract;**
- (2) **The dollar rate per hour of each attorney working for the private law firm under the contract, if available; and**
- (3) **A brief summary of the legal services to be provided by the firm.**

2. **As used in this section, "executive branch appointee" shall include any member of any task force, advisory committee, board, commission, or other body or persons appointed by, named by, or at the direction of an executive branch official.**

**3. The office of administration shall promulgate rules to implement the provisions of this section which relate to any executive department or agency. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void.";** and

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

On motion of Representative Cornejo, **House Amendment No. 3** was adopted by the following vote, the ayes and noes having been demanded by Representative Cornejo:

AYES: 092

Alferman	Anderson	Andrews	Austin	Basye
Bernskoetter	Black	Bondon	Brattin	Brown 57
Brown 94	Chipman	Christofanelli	Cierpiot	Conway 104
Cornejo	Crawford	Cross	Curtis	Curtman
Davis	DeGroot	Dohrman	Eggleston	Engler
Fitzpatrick	Fitzwater 144	Fraker	Francis	Franklin
Frederick	Gannon	Gregory	Grier	Haahr
Haefner	Hannegan	Hansen	Helms	Henderson
Hill	Houghton	Houx	Hubrecht	Johnson
Justus	Kelly 141	Kidd	Lant	Lauer
Lichtenegger	Love	Lynch	Mathews	Matthiesen
May	McGaugh	Messenger	Morris	Muntzel
Neely	Peters	Pfautsch	Phillips	Pietzman
Pike	Rehder	Reiboldt	Reisch	Remole
Rhoads	Roeber	Rone	Rowland 155	Ruth
Schroer	Shull 16	Shumake	Smith 163	Sommer
Spencer	Stacy	Stephens 128	Swan	Tate
Taylor	Trent	Vescovo	Walker 3	Wiemann
Wilson	Mr. Speaker			

NOES: 054

Adams	Anders	Arthur	Bangert	Baringer
Barnes 60	Barnes 28	Beard	Beck	Brown 27
Burnett	Burns	Butler	Carpenter	Conway 10
Dogan	Ellebracht	Ellington	Evans	Fitzwater 49
Franks Jr	Gray	Green	Harris	Higdon
Hurst	Lavender	Marshall	McCaherty	McCann Beatty
McCreery	McDaniel	Meredith 71	Merideth 80	Mitten
Moon	Morgan	Mosley	Newman	Nichols
Pierson Jr	Plocher	Pogue	Quade	Razer
Roberts	Rowland 29	Runions	Smith 85	Stevens 46
Unsicker	Walker 74	White	Wood	

PRESENT: 000

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ABSENT WITH LEAVE: 016

Bahr	Berry	Cookson	Corlew	Dunn
Kelley 127	Kendrick	Kolkmeier	Korman	McGee
Miller	Redmon	Roden	Ross	Shaul 113
Wessels				

VACANCIES: 001

On motion of Representative Kidd, the title of **HCS SCS SB 421, as amended**, relating to political subdivisions, was agreed to.

On motion of Representative Kidd, **HCS SCS SB 421, as amended**, was adopted.

On motion of Representative Kidd, **HCS SCS SB 421, as amended**, was read the third time and passed by the following vote:

AYES: 100

Anders	Anderson	Andrews	Austin	Bahr
Basye	Bernskoetter	Berry	Black	Bondon
Brattin	Brown 57	Brown 94	Christofanelli	Cierpiot
Conway 10	Conway 104	Cornejo	Crawford	Cross
Davis	DeGroot	Dohrman	Eggleston	Ellebracht
Engler	Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker
Francis	Franklin	Frederick	Gannon	Gregory
Grier	Haahr	Haefner	Hannegan	Hansen
Harris	Helms	Henderson	Hill	Houghton
Houx	Hubrecht	Johnson	Justus	Kelley 127
Kelly 141	Kidd	Lant	Lauer	Lichtenegger
Love	Lynch	Mathews	Matthiesen	McCaherty
McDaniel	McGaugh	Messenger	Morris	Muntzel
Neely	Pfautsch	Phillips	Pietzman	Pike
Rehder	Reiboldt	Reisch	Remole	Rhoads
Roeber	Rone	Ross	Rowland 155	Rowland 29
Ruth	Schroer	Shaul 113	Shull 16	Shumake
Smith 163	Sommer	Spencer	Stacy	Stephens 128
Swan	Tate	Taylor	Trent	Vescovo
Walker 3	White	Wiemann	Wood	Mr. Speaker

NOES: 052

Adams	Alferman	Arthur	Bangert	Baringer
Barnes 28	Beard	Beck	Brown 27	Burnett
Burns	Butler	Carpenter	Chipman	Curtis
Curtman	Dogan	Ellington	Evans	Franks Jr
Gray	Green	Higdon	Hurst	Lavender
Marshall	May	McCann Beatty	McCreery	McGee
Meredith 71	Merideth 80	Mitten	Moon	Morgan
Mosley	Newman	Nichols	Peters	Pierson Jr
Plocher	Pogue	Quade	Razer	Roberts
Runions	Smith 85	Stevens 46	Unsicker	Walker 74
Wessels	Wilson			

PRESENT: 001

Barnes 60

ABSENT WITH LEAVE: 009

Cookson	Corlew	Dunn	Kendrick	Kolkmeier
Korman	Miller	Redmon	Roden	

VACANCIES: 001

Representative Taylor declared the bill passed.

**HCS SB 501**, relating to health care, was taken up by Representative Stephens (128).

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 501, Page 6, Section 195.206, Line 34, by inserting immediately after all of said section and line the following:

**"197.005. 1. As used in this section, the term "Medicare conditions of participation" shall mean federal regulatory standards established under Title XVIII of the Social Security Act and defined in 42 CFR Part 482, as amended, for hospitals and 42 CFR Part 485, as amended, for hospitals designated as critical access hospitals under 42 U.S.C. Section 1395i-4.**

**2. To minimize the administrative cost of enforcing and complying with duplicative regulatory standards, on and after July 1, 2018, compliance with Medicare conditions of participation shall be deemed to constitute compliance with the standards for hospital licensure under sections 197.010 to 197.120 and regulations promulgated thereunder.**

**3. Nothing in this section shall preclude the department from promulgating regulations effective on or after July 1, 2018, to define separate regulatory standards that do not duplicate or contradict the Medicare conditions of participation, with specific state statutory authorization to create separate regulatory standards.**

**4. Regulations promulgated by the department to establish and enforce hospital licensure regulations under this chapter that duplicate or conflict with the Medicare conditions of participation shall lapse and expire on and after July 1, 2018.**

197.040. After ninety days from the date this law becomes effective, no person or governmental unit, acting severally or jointly with any other person or governmental unit, shall establish, conduct or maintain a hospital in this state without a license under this law **and section 197.005** issued by the department of health and senior services.

197.050. Application for a license shall be made to the department of health and senior services upon forms provided by it and shall contain such information as the department of health and senior services requires, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as are lawfully prescribed hereunder **in compliance with section 197.005**. Until June 30, 1989, each application for a license, except applications from governmental units, shall be accompanied by an annual license fee of two hundred dollars plus two dollars per bed for the first one hundred beds and one dollar per bed for each additional bed. Beginning July 1, 1989, each application for a license, except applications from governmental units, shall be accompanied by an annual license fee of two hundred fifty dollars plus three dollars per bed for the first four hundred beds and two dollars per bed for each additional bed. All license fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.

197.070. The department of health and senior services may deny, suspend or revoke a license in any case in which it finds that there has been a substantial failure to comply with the requirements established under this law **and section 197.005**.

197.071. Any person aggrieved by an official action of the department of health and senior services affecting the licensed status of a person under the provisions of sections ~~[497.010]~~ **197.005** to 197.120, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 621.045, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department of health and senior services.

197.080. 1. The department of health and senior services, with the advice of the state advisory council and pursuant to the provisions of this section, **section 197.005**, and chapter 536, shall adopt, amend, promulgate and enforce such rules, regulations and standards with respect to all hospitals or different types of hospitals to be licensed hereunder as may be designed to further the accomplishment of the purposes of this law in promoting safe and adequate treatment of individuals in hospitals in the interest of public health, safety and welfare. No rule or portion of a rule promulgated under the authority of sections 197.010 to 197.280 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

2. The department shall review and revise regulations governing hospital licensure and enforcement to promote hospital and regulatory efficiencies ~~[and]~~ . **The department shall eliminate all** duplicative regulations and inspections by or on behalf of state agencies and the Centers for Medicare and Medicaid Services (CMS). The hospital licensure regulations adopted under this ~~[section]~~ **chapter** shall incorporate standards which shall include, but not be limited to, the following:

(1) Each citation or finding of a regulatory deficiency shall refer to the specific written regulation, any state associated written interpretive guidance developed by the department and any publicly available, professionally recognized standards of care that are the basis of the citation or finding;

(2) Subject to appropriations, the department shall ensure that its hospital licensure regulatory standards are consistent with and do not contradict the CMS Conditions of Participation (COP) and associated interpretive guidance. However, this shall not preclude the department from enforcing standards produced by the department which exceed the federal CMS' COP and associated interpretive guidance, so long as such standards produced by the department promote a higher degree of patient safety and do not contradict the federal CMS' COP and associated interpretive guidance;

(3) The department shall establish and publish guidelines for complaint investigation, including but not limited to:

(a) The department's process for reviewing and determining which complaints warrant an on-site investigation based on a preliminary review of available information from the complainant, other appropriate sources, and when not prohibited by CMS, the hospital. For purposes of providing hospitals with information necessary to improve processes and patient care, the number and nature of complaints filed and the recommended actions by the department and, as appropriate CMS, shall be disclosed upon request to hospitals so long as the otherwise confidential identity of the complainant or the patient for whom the complaint was filed is not disclosed;

(b) A departmental investigation of a complaint shall be focused on the specific regulatory standard and departmental written interpretive guidance and publicly available professionally recognized standard of care related to the complaint. During the course of any complaint investigation, the department shall cite any serious and immediate threat discovered that may potentially jeopardize the health and safety of patients;

(c) A hospital shall be provided with a report of all complaints made against the hospital. Such report shall include the nature of the complaint, the date of the complaint, the department conclusions regarding the complaint, the number of investigators and days of investigation resulting from each complaint;

(4) Hospitals and hospital personnel shall have the opportunity to participate in annual continuing training sessions when such training is provided to state licensure surveyors with prior approval from the department director and CMS when appropriate. Hospitals and hospital personnel shall assume all costs associated with facilitating the training sessions and use of curriculum materials, including but not limited to the location for training, food, and printing costs;

(5) Time lines for the department to provide responses to hospitals regarding the status and outcome of pending investigations and regulatory actions and questions about interpretations of regulations shall be identical to, to the extent practicable, the time lines established for the federal hospital certification and enforcement system in the CMS State Operations Manual, as amended. These time lines shall be the guide for the department to follow. Every reasonable attempt shall be made to meet the time lines. However, failure to meet the established time lines shall in no way prevent the department from performing any necessary inspections to ensure the health and safety of patients.

3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the



provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

197.100. 1. Any provision of chapter 198 and chapter 338 to the contrary notwithstanding, the department of health and senior services shall have sole authority, and responsibility for inspection and licensure of hospitals in this state including, but not limited to, all parts, services, functions, support functions and activities which contribute directly or indirectly to patient care of any kind whatsoever. The department of health and senior services shall annually inspect each licensed hospital and shall make any other inspections and investigations as it deems necessary for good cause shown. The department of health and senior services shall accept reports of hospital inspections from **or on behalf of** governmental agencies, the joint commission, and the American Osteopathic Association Healthcare Facilities Accreditation Program, provided the accreditation inspection was conducted within one year of the date of license renewal. Prior to granting acceptance of any other accrediting organization reports in lieu of the required licensure survey, the accrediting organization's survey process must be deemed appropriate and found to be comparable to the department's licensure survey. It shall be the accrediting organization's responsibility to provide the department any and all information necessary to determine if the accrediting organization's survey process is comparable and fully meets the intent of the licensure regulations. The department of health and senior services shall attempt to schedule inspections and evaluations required by this section so as not to cause a hospital to be subject to more than one inspection in any twelve-month period from the department of health and senior services or any agency or accreditation organization the reports of which are accepted for licensure purposes pursuant to this section, except for good cause shown.

2. Other provisions of law to the contrary notwithstanding, the department of health and senior services shall be the only state agency to determine life safety and building codes for hospitals defined or licensed pursuant to the provisions of this chapter, including but not limited to sprinkler systems, smoke detection devices and other fire safety-related matters so long as any new standards shall apply only to new construction."; and

Further amend said bill, Page 19, Section B, Line 6, by inserting immediately after all of said section and line the following:

"Section C. The enactment of section 197.005 and the repeal and reenactment of sections 197.040, 197.050, 197.070, 197.071, 197.080, and 197.100 of section A of this act shall become effective on July 1, 2018."; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 501, Page 10, Section 335.099, Line 17, by inserting immediately after said section and line the following:

"337.010. As used in sections 337.010 to 337.090 the following terms mean:

- (1) "Committee", the state committee of psychologists;
- (2) "Department", the department of insurance, financial institutions and professional registration;
- (3) "Division", the division of professional registration;
- (4) **"Internship", any supervised hours that occur during a formal internship of twelve to twenty-four months after all academic course work toward a doctorate has been completed but prior to completion of the full degree. Internship is part of successful completion of a doctorate in psychology, and a person cannot earn his or her doctorate without completion of an internship;**

(5) "Licensed psychologist", any person who offers to render psychological services to individuals, groups, organizations, institutions, corporations, schools, government agencies or the general public for a fee, monetary or otherwise, implying that such person is trained, experienced and licensed to practice psychology and who holds a current and valid, whether temporary, provisional or permanent, license in this state to practice psychology;

(6) "Postdoctoral experiences", **experiences that follow the completion of a person's doctoral degree. Such person shall not be licensed until he or she satisfies additional supervised hours. Postdoctoral experiences shall include any supervised clinical activities following the completion of the doctoral degree;**

(7) "Predoctoral postinternship", any supervised hours that occur following completion of the internship but prior to completing the degree. Such person may continue to provide supervised clinical services even after his or her internship is completed and while still completing his or her doctoral degree requirements;

(8) "Preinternship", any supervised hours acquired as a student or in the course of seeking a doctorate in psychology but before the internship, which includes supervised practicum;

~~[(5)]~~ (9) "Provisional licensed psychologist", any person who is a graduate of a recognized educational institution with a doctoral degree in psychology as defined in section 337.025, and who otherwise meets all requirements to become a licensed psychologist except for passage of the licensing exams, oral examination and completion of the required period of postdegree supervised experience as specified in subsection 2 of section 337.025;

~~[(6)]~~ (10) "Recognized educational institution":

(a) A school, college, university or other institution of higher learning in the United States, which, at the time the applicant was enrolled and graduated, had a graduate program in psychology and was accredited by one of the regional accrediting associations approved by the Council on Postsecondary Accreditation; or

(b) A school, college, university or other institution of higher learning outside the United States, which, at the time the applicant was enrolled and graduated, had a graduate program in psychology and maintained a standard of training substantially equivalent to the standards of training of those programs accredited by one of the regional accrediting associations approved by the Council of Postsecondary Accreditation;

~~[(7)]~~ (11) "Temporary license", a license which is issued to a person licensed as a psychologist in another jurisdiction, who has applied for licensure in this state either by reciprocity or endorsement of the score from the Examination for Professional Practice in Psychology, and who is awaiting either a final determination by the committee relative to such person's eligibility for licensure or who is awaiting the results of the jurisprudence examination or oral examination.

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

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

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

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

3. A doctoral degree in psychology is defined as:

(1) A program accredited, or provisionally accredited, by the American Psychological Association **or the Canadian Psychological Association;** or

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

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

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

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

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

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

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

- (f) The program shall have an identifiable body of students who are matriculated in that program for a degree;
- (g) The program shall include a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;
- (h) The curriculum shall encompass a minimum of three academic years of full-time graduate study, with a minimum of one year's residency at the educational institution granting the doctoral degree; and
- (i) Require the completion by the applicant of a core program in psychology which shall be met by the completion and award of at least one three-semester-hour graduate credit course or a combination of graduate credit courses totaling three semester hours or five quarter hours in each of the following areas:
  - a. The biological bases of behavior such as courses in: physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology;
  - b. The cognitive-affective bases of behavior such as courses in: learning, thinking, motivation, emotion, and cognitive psychology;
  - c. The social bases of behavior such as courses in: social psychology, group processes/dynamics, interpersonal relationships, and organizational and systems theory;
  - d. Individual differences such as courses in: personality theory, human development, abnormal psychology, developmental psychology, child psychology, adolescent psychology, psychology of aging, and theories of personality;
  - e. The scientific methods and procedures of understanding, predicting and influencing human behavior such as courses in: statistics, experimental design, psychometrics, individual testing, group testing, and research design and methodology.

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

- (1) A minimum of fifteen hundred hours of ~~[professional]~~ experience ~~[obtained]~~ **in a successfully completed internship to be completed** in not less than twelve nor more than twenty-four ~~[consecutive calendar]~~ months; and
- (2) **A minimum of two thousand hours of experience consisting of any combination of the following:**
  - (a) **Preinternship and predoctoral postinternship professional experience that occurs following the completion of the first year of the doctoral program or at any time while in a doctoral program after completion of a master's degree in psychology or equivalent as defined by rule by the committee;**
  - (b) **Up to seven hundred fifty hours obtained while on the internship under subdivision (1) of this subsection but beyond the fifteen hundred hours identified in subdivision (1) of this subsection; or**
  - (c) **Postdoctoral professional experience obtained in no more than twenty-four consecutive calendar months.** In no case shall this experience be accumulated at a rate of ~~[less than twenty hours per week nor]~~ more than fifty hours per week. Postdoctoral supervised professional experience for prospective health service providers **and other applicants** shall involve and relate to the delivery of psychological ~~[health]~~ services~~[- Postdoctoral supervised professional experience for other applicants shall be]~~ in accordance with professional requirements and relevant to the applicant's intended area of practice.

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

6. **For postinternship and postdoctoral hours,** the psychological activities of the applicant shall be performed pursuant to the primary supervisor's order, control, and full professional responsibility. The primary supervisor shall maintain a continuing relationship with the applicant and shall meet with the applicant a minimum of one hour per month in face-to-face individual supervision. Clinical supervision may be delegated by the primary supervisor to one or more secondary supervisors who are qualified psychologists. The secondary supervisors shall retain order, control, and full professional responsibility for the applicant's clinical work under their supervision and shall meet with the applicant a minimum of one hour per week in face-to-face individual supervision. If the primary

supervisor is also the clinical supervisor, meetings shall be a minimum of one hour per week. Group supervision shall not be acceptable for supervised professional experience. The primary supervisor shall certify to the committee that the applicant has complied with these requirements and that the applicant has demonstrated ethical and competent practice of psychology. The changing by an agency of the primary supervisor during the course of the supervised experience shall not invalidate the supervised experience.

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

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

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Bill No. 501, Page 7, Section 198.053, Line 9, by inserting after all of said line the following:

"208.152. 1. MO HealthNet payments shall be made on behalf of those eligible needy persons as described in section 208.151 who are unable to provide for it in whole or in part, with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Inpatient hospital services, except to persons in an institution for mental diseases who are under the age of sixty-five years and over the age of twenty-one years; provided that the MO HealthNet division shall provide through rule and regulation an exception process for coverage of inpatient costs in those cases requiring treatment beyond the seventy-fifth percentile professional activities study (PAS) or the MO HealthNet children's diagnosis length-of-stay schedule; and provided further that the MO HealthNet division shall take into account through its payment system for hospital services the situation of hospitals which serve a disproportionate number of low-income patients;

(2) All outpatient hospital services, payments therefor to be in amounts which represent no more than eighty percent of the lesser of reasonable costs or customary charges for such services, determined in accordance with the principles set forth in Title XVIII A and B, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.), but the MO HealthNet division may evaluate outpatient hospital services rendered under this section and deny payment for services which are determined by the MO HealthNet division not to be medically necessary, in accordance with federal law and regulations;

(3) Laboratory and X-ray services;

(4) Nursing home services for participants, except to persons with more than five hundred thousand dollars equity in their home or except for persons in an institution for mental diseases who are under the age of sixty-five years, when residing in a hospital licensed by the department of health and senior services or a nursing home licensed by the department of health and senior services or appropriate licensing authority of other states or government-owned and -operated institutions which are determined to conform to standards equivalent to licensing requirements in Title XIX of the federal Social Security Act (42 U.S.C. Section 301, et seq.), as amended, for nursing facilities. The MO HealthNet division may recognize through its payment methodology for nursing facilities those nursing facilities which serve a high volume of MO HealthNet patients. The MO HealthNet division when determining the amount of the benefit payments to be made on behalf of persons under the age of twenty-one in a nursing facility may consider nursing facilities furnishing care to persons under the age of twenty-one as a classification separate from other nursing facilities;

(5) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection for those days, which shall not exceed twelve per any period of six consecutive months, during which the participant is on a temporary leave of absence from the hospital or nursing home, provided that no such participant shall be allowed a temporary leave of absence unless it is specifically provided for in his plan of care. As used in this subdivision, the term "temporary leave of absence" shall include all periods of time during which a participant is away from the hospital or nursing home overnight because he is visiting a friend or relative;

(6) Physicians' services, whether furnished in the office, home, hospital, nursing home, or elsewhere;

**(7) Services provided by licensed chiropractic physicians practicing within their scope of practice, as described in chapter 331, for conditions currently reimbursed under MO HealthNet. Nothing in this subdivision shall expand MO HealthNet or the conditions currently covered under section 208.151;**

**(8)** Drugs and medicines when prescribed by a licensed physician, dentist, podiatrist, or an advanced practice registered nurse; except that no payment for drugs and medicines prescribed on and after January 1, 2006, by a licensed physician, dentist, podiatrist, or an advanced practice registered nurse may be made on behalf of any person who qualifies for prescription drug coverage under the provisions of P.L. 108-173;

~~[(8)]~~ **(9)** Emergency ambulance services and, effective January 1, 1990, medically necessary transportation to scheduled, physician-prescribed nonelective treatments;

~~[(9)]~~ **(10)** Early and periodic screening and diagnosis of individuals who are under the age of twenty-one to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby. Such services shall be provided in accordance with the provisions of Section 6403 of P.L. 101-239 and federal regulations promulgated thereunder;

~~[(10)]~~ **(11)** Home health care services;

~~[(11)]~~ **(12)** Family planning as defined by federal rules and regulations; provided, however, that such family planning services shall not include abortions unless such abortions are certified in writing by a physician to the MO HealthNet agency that, in the physician's professional judgment, the life of the mother would be endangered if the fetus were carried to term;

~~[(12)]~~ **(13)** Inpatient psychiatric hospital services for individuals under age twenty-one as defined in Title XIX of the federal Social Security Act (42 U.S.C. Section 1396d, et seq.);

~~[(13)]~~ **(14)** Outpatient surgical procedures, including presurgical diagnostic services performed in ambulatory surgical facilities which are licensed by the department of health and senior services of the state of Missouri; except, that such outpatient surgical services shall not include persons who are eligible for coverage under Part B of Title XVIII, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended, if exclusion of such persons is permitted under Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended;

~~[(14)]~~ **(15)** Personal care services which are medically oriented tasks having to do with a person's physical requirements, as opposed to housekeeping requirements, which enable a person to be treated by his or her physician on an outpatient rather than on an inpatient or residential basis in a hospital, intermediate care facility, or skilled nursing facility. Personal care services shall be rendered by an individual not a member of the participant's family who is qualified to provide such services where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a licensed nurse. Persons eligible to receive personal care services shall be those persons who would otherwise require placement in a hospital, intermediate care facility, or skilled nursing facility. Benefits payable for personal care services shall not exceed for any one participant one hundred percent of the average statewide charge for care and treatment in an intermediate care facility for a comparable period of time. Such services, when delivered in a residential care facility or assisted living facility licensed under chapter 198 shall be authorized on a tier level based on the services the resident requires and the frequency of the services. A resident of such facility who qualifies for assistance under section 208.030 shall, at a minimum, if prescribed by a physician, qualify for the tier level with the fewest services. The rate paid to providers for each tier of service shall be set subject to appropriations. Subject to appropriations, each resident of such facility who qualifies for assistance under section 208.030 and meets the level of care required in this section shall, at a minimum, if prescribed by a physician, be authorized up to one hour of personal care services per day. Authorized units of personal care services shall not be reduced or tier level lowered unless an order approving such reduction or lowering is obtained from the resident's personal physician. Such authorized units of personal care services or tier level shall be transferred with such resident if he or she transfers to another such facility. Such provision shall terminate upon receipt of relevant waivers from the federal Department of Health and Human Services. If the Centers for Medicare and Medicaid Services determines that such provision does not comply with the state plan, this provision shall be null and void. The MO HealthNet division shall notify the revisor of statutes as to whether the relevant waivers are approved or a determination of noncompliance is made;

~~[(15)]~~ **(16)** Mental health services. The state plan for providing medical assistance under Title XIX of the Social Security Act, 42 U.S.C. Section 301, as amended, shall include the following mental health services when such services are provided by community mental health facilities operated by the department of mental health or designated by the department of mental health as a community mental health facility or as an alcohol and drug abuse facility or as a child-serving agency within the comprehensive children's mental health service system established in

section 630.097. The department of mental health shall establish by administrative rule the definition and criteria for designation as a community mental health facility and for designation as an alcohol and drug abuse facility. Such mental health services shall include:

(a) Outpatient mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(b) Clinic mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(c) Rehabilitative mental health and alcohol and drug abuse services including home and community-based preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health or alcohol and drug abuse professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management. As used in this section, mental health professional and alcohol and drug abuse professional shall be defined by the department of mental health pursuant to duly promulgated rules. With respect to services established by this subdivision, the department of social services, MO HealthNet division, shall enter into an agreement with the department of mental health. Matching funds for outpatient mental health services, clinic mental health services, and rehabilitation services for mental health and alcohol and drug abuse shall be certified by the department of mental health to the MO HealthNet division. The agreement shall establish a mechanism for the joint implementation of the provisions of this subdivision. In addition, the agreement shall establish a mechanism by which rates for services may be jointly developed;

~~[(46)]~~ (17) Such additional services as defined by the MO HealthNet division to be furnished under waivers of federal statutory requirements as provided for and authorized by the federal Social Security Act (42 U.S.C. Section 301, et seq.) subject to appropriation by the general assembly;

~~[(47)]~~ (18) The services of an advanced practice registered nurse with a collaborative practice agreement to the extent that such services are provided in accordance with chapters 334 and 335, and regulations promulgated thereunder;

~~[(48)]~~ (19) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection to reserve a bed for the participant in the nursing home during the time that the participant is absent due to admission to a hospital for services which cannot be performed on an outpatient basis, subject to the provisions of this subdivision:

(a) The provisions of this subdivision shall apply only if:

a. The occupancy rate of the nursing home is at or above ninety-seven percent of MO HealthNet certified licensed beds, according to the most recent quarterly census provided to the department of health and senior services which was taken prior to when the participant is admitted to the hospital; and

b. The patient is admitted to a hospital for a medical condition with an anticipated stay of three days or less;

(b) The payment to be made under this subdivision shall be provided for a maximum of three days per hospital stay;

(c) For each day that nursing home costs are paid on behalf of a participant under this subdivision during any period of six consecutive months such participant shall, during the same period of six consecutive months, be ineligible for payment of nursing home costs of two otherwise available temporary leave of absence days provided under subdivision (5) of this subsection; and

(d) The provisions of this subdivision shall not apply unless the nursing home receives notice from the participant or the participant's responsible party that the participant intends to return to the nursing home following the hospital stay. If the nursing home receives such notification and all other provisions of this subsection have been satisfied, the nursing home shall provide notice to the participant or the participant's responsible party prior to release of the reserved bed;

~~[(49)]~~ (20) Prescribed medically necessary durable medical equipment. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

~~[(20)]~~ (21) Hospice care. As used in this subdivision, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical,

psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

~~[(24)]~~ **(22)** Prescribed medically necessary dental services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

~~[(22)]~~ **(23)** Prescribed medically necessary optometric services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

~~[(23)]~~ **(24)** Blood clotting products-related services. For persons diagnosed with a bleeding disorder, as defined in section 338.400, reliant on blood clotting products, as defined in section 338.400, such services include:

(a) Home delivery of blood clotting products and ancillary infusion equipment and supplies, including the emergency deliveries of the product when medically necessary;

(b) Medically necessary ancillary infusion equipment and supplies required to administer the blood clotting products; and

(c) Assessments conducted in the participant's home by a pharmacist, nurse, or local home health care agency trained in bleeding disorders when deemed necessary by the participant's treating physician;

~~[(24)]~~ **(25)** The MO HealthNet division shall, by January 1, 2008, and annually thereafter, report the status of MO HealthNet provider reimbursement rates as compared to one hundred percent of the Medicare reimbursement rates and compared to the average dental reimbursement rates paid by third-party payors licensed by the state. The MO HealthNet division shall, by July 1, 2008, provide to the general assembly a four-year plan to achieve parity with Medicare reimbursement rates and for third-party payor average dental reimbursement rates. Such plan shall be subject to appropriation and the division shall include in its annual budget request to the governor the necessary funding needed to complete the four-year plan developed under this subdivision.

2. Additional benefit payments for medical assistance shall be made on behalf of those eligible needy children, pregnant women and blind persons with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Dental services;

(2) Services of podiatrists as defined in section 330.010;

(3) Optometric services as described in section 336.010;

(4) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids, and wheelchairs;

(5) Hospice care. As used in this subdivision, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(6) Comprehensive day rehabilitation services beginning early posttrauma as part of a coordinated system of care for individuals with disabling impairments. Rehabilitation services must be based on an individualized, goal-oriented, comprehensive and coordinated treatment plan developed, implemented, and monitored through an interdisciplinary assessment designed to restore an individual to optimal level of physical, cognitive, and behavioral function. The MO HealthNet division shall establish by administrative rule the definition and criteria for designation of a comprehensive day rehabilitation service facility, benefit limitations and payment mechanism. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subdivision shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested

with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

3. The MO HealthNet division may require any participant receiving MO HealthNet benefits to pay part of the charge or cost until July 1, 2008, and an additional payment after July 1, 2008, as defined by rule duly promulgated by the MO HealthNet division, for all covered services except for those services covered under subdivisions ~~[(44)]~~ (15) and ~~[(45)]~~ (16) of subsection 1 of this section and sections 208.631 to 208.657 to the extent and in the manner authorized by Title XIX of the federal Social Security Act (42 U.S.C. Section 1396, et seq.) and regulations thereunder. When substitution of a generic drug is permitted by the prescriber according to section 338.056, and a generic drug is substituted for a name-brand drug, the MO HealthNet division may not lower or delete the requirement to make a co-payment pursuant to regulations of Title XIX of the federal Social Security Act. A provider of goods or services described under this section must collect from all participants the additional payment that may be required by the MO HealthNet division under authority granted herein, if the division exercises that authority, to remain eligible as a provider. Any payments made by participants under this section shall be in addition to and not in lieu of payments made by the state for goods or services described herein except the participant portion of the pharmacy professional dispensing fee shall be in addition to and not in lieu of payments to pharmacists. A provider may collect the co-payment at the time a service is provided or at a later date. A provider shall not refuse to provide a service if a participant is unable to pay a required payment. If it is the routine business practice of a provider to terminate future services to an individual with an unclaimed debt, the provider may include uncollected co-payments under this practice. Providers who elect not to undertake the provision of services based on a history of bad debt shall give participants advance notice and a reasonable opportunity for payment. A provider, representative, employee, independent contractor, or agent of a pharmaceutical manufacturer shall not make co-payment for a participant. This subsection shall not apply to other qualified children, pregnant women, or blind persons. If the Centers for Medicare and Medicaid Services does not approve the MO HealthNet state plan amendment submitted by the department of social services that would allow a provider to deny future services to an individual with uncollected co-payments, the denial of services shall not be allowed. The department of social services shall inform providers regarding the acceptability of denying services as the result of unpaid co-payments.

4. The MO HealthNet division shall have the right to collect medication samples from participants in order to maintain program integrity.

5. Reimbursement for obstetrical and pediatric services under subdivision (6) of subsection 1 of this section shall be timely and sufficient to enlist enough health care providers so that care and services are available under the state plan for MO HealthNet benefits at least to the extent that such care and services are available to the general population in the geographic area, as required under subparagraph (a)(30)(A) of 42 U.S.C. Section 1396a and federal regulations promulgated thereunder.

6. Beginning July 1, 1990, reimbursement for services rendered in federally funded health centers shall be in accordance with the provisions of subsection 6402(c) and Section 6404 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) and federal regulations promulgated thereunder.

7. Beginning July 1, 1990, the department of social services shall provide notification and referral of children below age five, and pregnant, breast-feeding, or postpartum women who are determined to be eligible for MO HealthNet benefits under section 208.151 to the special supplemental food programs for women, infants and children administered by the department of health and senior services. Such notification and referral shall conform to the requirements of Section 6406 of P.L. 101-239 and regulations promulgated thereunder.

8. Providers of long-term care services shall be reimbursed for their costs in accordance with the provisions of Section 1902 (a)(13)(A) of the Social Security Act, 42 U.S.C. Section 1396a, as amended, and regulations promulgated thereunder.

9. Reimbursement rates to long-term care providers with respect to a total change in ownership, at arm's length, for any facility previously licensed and certified for participation in the MO HealthNet program shall not increase payments in excess of the increase that would result from the application of Section 1902 (a)(13)(C) of the Social Security Act, 42 U.S.C. Section 1396a (a)(13)(C).

10. The MO HealthNet division may enroll qualified residential care facilities and assisted living facilities, as defined in chapter 198, as MO HealthNet personal care providers.

11. Any income earned by individuals eligible for certified extended employment at a sheltered workshop under chapter 178 shall not be considered as income for purposes of determining eligibility under this section.

12. If the Missouri Medicaid audit and compliance unit changes any interpretation or application of the requirements for reimbursement for MO HealthNet services from the interpretation or application that has been applied previously by the state in any audit of a MO HealthNet provider, the Missouri Medicaid audit and



compliance unit shall notify all affected MO HealthNet providers five business days before such change shall take effect. Failure of the Missouri Medicaid audit and compliance unit to notify a provider of such change shall entitle the provider to continue to receive and retain reimbursement until such notification is provided and shall waive any liability of such provider for recoupment or other loss of any payments previously made prior to the five business days after such notice has been sent. Each provider shall provide the Missouri Medicaid audit and compliance unit a valid email address and shall agree to receive communications electronically. The notification required under this section shall be delivered in writing by the United States Postal Service or electronic mail to each provider.

13. Nothing in this section shall be construed to abrogate or limit the department's statutory requirement to promulgate rules under chapter 536.

14. Beginning July 1, 2016, and subject to appropriations, providers of behavioral, social, and psychophysiological services for the prevention, treatment, or management of physical health problems shall be reimbursed utilizing the behavior assessment and intervention reimbursement codes 96150 to 96154 or their successor codes under the Current Procedural Terminology (CPT) coding system. Providers eligible for such reimbursement shall include psychologists."; and

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

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

Which motion was defeated.

Representative Stephens (128) offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Bill No. 501, Pages 10 to 13, Section 338.010, Lines 1 to 97, by removing all of said section and lines and inserting in lieu thereof the following:

"338.010. 1. The "practice of pharmacy" means the interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons ~~twelve~~ **seven** years of age or older as **recommended by the Centers for Disease Control and Prevention and in accordance with the Advisory Committee on Immunization Practices** as authorized by rule or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a supervision agreement under section 334.735.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an equivalent title means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

12. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines **by protocol** in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

(3) In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

13. A pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient's primary health care provider, if provided by the patient, containing:

- (1) The identity of the patient;
- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration."; and

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

On motion of Representative Stephens (128), **House Amendment No. 4** was adopted.

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

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Bill No. 501, Page 7, Section 198.053, Line 9, by inserting immediately after said section and line the following:

"209.150. 1. Every person with a visual, aural or other disability including diabetes, as **disability is** defined in section 213.010, shall have the same rights afforded to a person with no such disability to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.

2. Every person with a visual, aural or other disability including diabetes, as **disability is** defined in section 213.010, is entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, taxis, streetcars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

3. Every person with a visual, aural or other disability including diabetes, as **disability is** defined in section 213.010, shall have the right to be accompanied by a guide dog, hearing dog, or service dog, **as defined in section 209.200**, which is especially trained for the purpose, in any of the places listed in subsection 2 of this section without being required to pay an extra charge for the guide dog, hearing dog or service dog; provided that such person shall be liable for any damage done to the premises or facilities by such dog.

4. As used in sections 209.150 to 209.190, the term "service dog" ~~means any dog specifically trained to assist a person with a physical or mental disability by performing necessary tasks or doing work which the person cannot perform. Such tasks shall include, but not be limited to, pulling a wheelchair, retrieving items, carrying supplies, and search and rescue of an individual with a disability~~ **shall be as defined in section 209.200.**

209.200. As used in sections ~~[209.200]~~ **209.150** to 209.204, not to exceed the provisions of the Americans With Disabilities Act, the following terms shall mean:

- (1) "Disability", as defined in section 213.010 including diabetes;
- (2) "Service dog", a dog that is being or has been specially trained to do work or perform tasks which benefit a particular person with a disability. Service dog includes but is not limited to:
  - (a) "Guide dog", a dog that is being or has been specially trained to assist a particular blind or visually impaired person;
  - (b) "Hearing dog", a dog that is being or has been specially trained to assist a particular deaf or hearing-impaired person;
  - (c) "Medical alert or ~~[respond]~~ **response** dog", a dog that is being or has been trained to alert a person with a disability that a particular medical event is about to occur or to respond to a medical event that has occurred;
  - (d) **"Mental health service dog" or "psychiatric service dog", a dog individually trained for its owner who is diagnosed with a psychiatric disability, medical condition, or developmental disability recognized in the most recently published Diagnostic and Statistical Manual of Mental Disorders (DSM) to perform tasks that mitigate or assist with difficulties including, but not limited to, alerting or responding to episodes such as panic attacks and anxiety and performing other tasks directly related to the owner's**

psychiatric disability, medical condition, or developmental disability including, but not limited to, autism spectrum disorder, epilepsy, major depressive disorder, bipolar disorder, Alzheimer's disease, dementia, post-traumatic stress disorder (PTSD), anxiety disorder, obsessive compulsive disorder, schizophrenia, and other mental illnesses and invisible disabilities;

(e) "Mobility dog", a dog that is being or has been specially trained to assist a person with a disability caused by physical impairments;

~~[(e)]~~ (f) "Professional therapy dog", a dog which is selected, trained, and tested to provide specific physical therapeutic functions, under the direction and control of a qualified handler who works with the dog as a team as a part of the handler's occupation or profession. Such dogs, with their handlers, perform such functions in institutional settings, community-based group settings, or when providing services to specific persons who have disabilities. Professional therapy dogs do not include dogs, certified or not, which are used by volunteers in visitation therapy;

~~[(f)]~~ (g) "Search and rescue dog", a dog that is being or has been trained to search for or prevent a person with a mental disability, including but not limited to verbal and nonverbal autism, from becoming lost;

(3) "Service dog team", a team consisting of a trained service dog, a disabled person or child, and a person who is an adult and who has been trained to handle the service dog."; and

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

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

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

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Bill No. 501, Page 10, Section 334.036, Line 64, by inserting immediately after said section and line the following:

"334.735. 1. As used in sections 334.735 to 334.749, the following terms mean:

- (1) "Applicant", any individual who seeks to become licensed as a physician assistant;
- (2) "Certification" or "registration", a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;
- (3) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;
- (4) "Department", the department of insurance, financial institutions and professional registration or a designated agency thereof;
- (5) "License", a document issued to an applicant by the board acknowledging that the applicant is entitled to practice as a physician assistant;
- (6) "Physician assistant", a person who has graduated from a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;
- (7) "Recognition", the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749;
- (8) "Supervision", control exercised over a physician assistant working with a supervising physician and oversight of the activities of and accepting responsibility for the physician assistant's delivery of care. The physician assistant shall only practice at a location where the physician routinely provides patient care, except existing patients of the supervising physician in the patient's home and correctional facilities. The supervising physician must be immediately available in person or via telecommunication during the time the physician assistant is providing patient care. Prior to commencing practice, the supervising physician and physician assistant shall attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training

and that the physician assistant shall not practice beyond the physician assistant's training and experience. Appropriate supervision shall require the supervising physician to be working within the same facility as the physician assistant for at least four hours within one calendar day for every fourteen days on which the physician assistant provides patient care as described in subsection 3 of this section. Only days in which the physician assistant provides patient care as described in subsection 3 of this section shall be counted toward the fourteen-day period. The requirement of appropriate supervision shall be applied so that no more than thirteen calendar days in which a physician assistant provides patient care shall pass between the physician's four hours working within the same facility. The board shall promulgate rules pursuant to chapter 536 for documentation of joint review of the physician assistant activity by the supervising physician and the physician assistant.

2. (1) A supervision agreement shall limit the physician assistant to practice only at locations described in subdivision (8) of subsection 1 of this section, where the supervising physician is no further than fifty miles by road using the most direct route available and where the location is not so situated as to create an impediment to effective intervention and supervision of patient care or adequate review of services.

(2) For a physician-physician assistant team working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended, no supervision requirements in addition to the minimum federal law shall be required.

3. The scope of practice of a physician assistant shall consist only of the following services and procedures:

- (1) Taking patient histories;
- (2) Performing physical examinations of a patient;
- (3) Performing or assisting in the performance of routine office laboratory and patient screening procedures;
- (4) Performing routine therapeutic procedures;
- (5) Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;
- (6) Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved by a licensed physician;
- (7) Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a licensed physician;
- (8) Assisting in surgery;
- (9) Performing such other tasks not prohibited by law under the supervision of a licensed physician as the physician's assistant has been trained and is proficient to perform; and
- (10) Physician assistants shall not perform or prescribe abortions.

4. Physician assistants shall not prescribe ~~any drug, medicine, device or therapy unless~~ ~~nor dispense~~ pursuant to a physician supervision agreement in accordance with the law, nor prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual power or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing ~~and dispensing~~ of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a physician assistant supervision agreement which is specific to the clinical conditions treated by the supervising physician and the physician assistant shall be subject to the following:

- (1) A physician assistant shall only prescribe controlled substances in accordance with section 334.747;
- (2) The types of drugs, medications, devices or therapies prescribed ~~or dispensed~~ by a physician assistant shall be consistent with the scopes of practice of the physician assistant and the supervising physician;
- (3) All prescriptions shall conform with state and federal laws and regulations and shall include the name, address and telephone number of the physician assistant and the supervising physician;
- (4) A physician assistant, or advanced practice registered nurse as defined in section 335.016 may request, receive and sign for noncontrolled professional samples and may distribute professional samples to patients; **and**
- (5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the supervising physician is not qualified or authorized to prescribe; ~~and~~
- ~~(6) A physician assistant may only dispense starter doses of medication to cover a period of time for seventy two hours or less].~~

5. A physician assistant shall clearly identify himself or herself as a physician assistant and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out

in any way to be a physician or surgeon. No physician assistant shall practice or attempt to practice without physician supervision or in any location where the supervising physician is not immediately available for consultation, assistance and intervention, except as otherwise provided in this section, and in an emergency situation, nor shall any physician assistant bill a patient independently or directly for any services or procedure by the physician assistant; except that, nothing in this subsection shall be construed to prohibit a physician assistant from enrolling with the department of social services as a MO HealthNet or Medicaid provider while acting under a supervision agreement between the physician and physician assistant.

6. For purposes of this section, the licensing of physician assistants shall take place within processes established by the state board of registration for the healing arts through rule and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536 establishing licensing and renewal procedures, supervision, supervision agreements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensing may be denied or the license of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335 shall not be required to be licensed as physician assistants. All applicants for physician assistant licensure who complete a physician assistant training program after January 1, 2008, shall have a master's degree from a physician assistant program.

7. "Physician assistant supervision agreement" means a written agreement, jointly agreed-upon protocols or standing order between a supervising physician and a physician assistant, which provides for the delegation of health care services from a supervising physician to a physician assistant and the review of such services. The agreement shall contain at least the following provisions:

- (1) Complete names, home and business addresses, zip codes, telephone numbers, and state license numbers of the supervising physician and the physician assistant;
- (2) A list of all offices or locations where the physician routinely provides patient care, and in which of such offices or locations the supervising physician has authorized the physician assistant to practice;
- (3) All specialty or board certifications of the supervising physician;
- (4) The manner of supervision between the supervising physician and the physician assistant, including how the supervising physician and the physician assistant shall:
  - (a) Attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and experience and that the physician assistant shall not practice beyond the scope of the physician assistant's training and experience nor the supervising physician's capabilities and training; and
  - (b) Provide coverage during absence, incapacity, infirmity, or emergency by the supervising physician;
- (5) The duration of the supervision agreement between the supervising physician and physician assistant; and
- (6) A description of the time and manner of the supervising physician's review of the physician assistant's delivery of health care services. Such description shall include provisions that the supervising physician, or a designated supervising physician listed in the supervision agreement review a minimum of ten percent of the charts of the physician assistant's delivery of health care services every fourteen days.

8. When a physician assistant supervision agreement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the supervising physician or other physician designated in the supervision agreement shall see the patient for evaluation and approve or formulate the plan of treatment for new or significantly changed conditions as soon as practical, but in no case more than two weeks after the patient has been seen by the physician assistant.

9. At all times the physician is responsible for the oversight of the activities of, and accepts responsibility for, health care services rendered by the physician assistant.

10. It is the responsibility of the supervising physician to determine and document the completion of at least a one-month period of time during which the licensed physician assistant shall practice with a supervising physician continuously present before practicing in a setting where a supervising physician is not continuously present.

11. No contract or other agreement shall require a physician to act as a supervising physician for a physician assistant against the physician's will. A physician shall have the right to refuse to act as a supervising physician, without penalty, for a particular physician assistant. No contract or other agreement shall limit the supervising physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any physician assistant, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by the hospital's medical staff.

12. Physician assistants shall file with the board a copy of their supervising physician form.

13. No physician shall be designated to serve as supervising physician for more than three full-time equivalent licensed physician assistants. This limitation shall not apply to physician assistant agreements of hospital employees providing inpatient care service in hospitals as defined in chapter 197."; and

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

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

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

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Bill No. 501, Page 10, Section 334.036, Line 64, by inserting immediately after said section and line the following:

"334.037. 1. A physician may enter into collaborative practice arrangements with assistant physicians. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to an assistant physician the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the assistant physician and is consistent with that assistant physician's skill, training, and competence and the skill and training of the collaborating physician.

2. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the assistant physician;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the assistant physician to prescribe;

(3) A requirement that there shall be posted at every office where the assistant physician is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an assistant physician and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the assistant physician;

(5) The manner of collaboration between the collaborating physician and the assistant physician, including how the collaborating physician and the assistant physician shall:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain a geographic proximity of **no further than seventy-five miles**; except, the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. Such exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics if the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics if the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician shall maintain documentation related to such requirement and present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the assistant physician's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the assistant physician to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the assistant physician;

(8) The duration of the written practice agreement between the collaborating physician and the assistant physician;

(9) A description of the time and manner of the collaborating physician's review of the assistant physician's delivery of health care services. The description shall include provisions that the assistant physician shall submit a minimum of ten percent of the charts documenting the assistant physician's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the assistant physician prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

3. The state board of registration for the healing arts under section 334.125 shall promulgate rules regulating the use of collaborative practice arrangements for assistant physicians. Such rules shall specify:

(1) Geographic areas to be covered;

(2) The methods of treatment that may be covered by collaborative practice arrangements;

(3) In conjunction with deans of medical schools and primary care residency program directors in the state, the development and implementation of educational methods and programs undertaken during the collaborative practice service which shall facilitate the advancement of the assistant physician's medical knowledge and capabilities, and which may lead to credit toward a future residency program for programs that deem such documented educational achievements acceptable; and

(4) The requirements for review of services provided under collaborative practice arrangements, including delegating authority to prescribe controlled substances.

Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. The state board of registration for the healing arts shall promulgate rules applicable to assistant physicians that shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

4. The state board of registration for the healing arts shall not deny, revoke, suspend, or otherwise take disciplinary action against a collaborating physician for health care services delegated to an assistant physician provided the provisions of this section and the rules promulgated thereunder are satisfied.

5. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice arrangement, including collaborative practice arrangements delegating the authority to prescribe controlled substances, and also report to the board the name of each assistant physician with whom the physician has entered into such arrangement. The board may make such information available to the public. The board shall track the reported information and may routinely conduct random reviews of such arrangements to ensure that arrangements are carried out for compliance under this chapter.

6. A collaborating physician shall not enter into a collaborative practice arrangement with more than three full-time equivalent assistant physicians. Such limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

7. The collaborating physician shall determine and document the completion of at least a one-month period of time during which the assistant physician shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. Such limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

8. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

9. No contract or other agreement shall require a physician to act as a collaborating physician for an assistant physician against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular assistant physician. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the



physician's authority to any assistant physician, but such requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by a hospital's medical staff.

10. No contract or other agreement shall require any assistant physician to serve as a collaborating assistant physician for any collaborating physician against the assistant physician's will. An assistant physician shall have the right to refuse to collaborate, without penalty, with a particular physician.

11. All collaborating physicians and assistant physicians in collaborative practice arrangements shall wear identification badges while acting within the scope of their collaborative practice arrangement. The identification badges shall prominently display the licensure status of such collaborating physicians and assistant physicians.

12. (1) An assistant physician with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in Schedule III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated the authority to prescribe controlled substances in a collaborative practice arrangement. Prescriptions for Schedule II medications prescribed by an assistant physician who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone. Such authority shall be filed with the state board of registration for the healing arts. The collaborating physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the assistant physician is permitted to prescribe. Any limitations shall be listed in the collaborative practice arrangement. Assistant physicians shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day supply without refill. Assistant physicians who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

(2) The collaborating physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the assistant physician during which the assistant physician shall practice with the collaborating physician on-site prior to prescribing controlled substances when the collaborating physician is not on-site. Such limitation shall not apply to assistant physicians of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

(3) An assistant physician shall receive a certificate of controlled substance prescriptive authority from the state board of registration for the healing arts upon verification of licensure under section 334.036.

334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice registered nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity **of no further than seventy-five miles**, except the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. This exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics where the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician is required to maintain documentation related to this requirement and to present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse;

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including delegating authority to prescribe controlled substances. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary

licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, including collaborative practice agreements delegating the authority to prescribe controlled substances, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone.

8. A collaborating physician shall not enter into a collaborative practice arrangement with more than three full-time equivalent advanced practice registered nurses. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.

334.735. 1. As used in sections 334.735 to 334.749, the following terms mean:

- (1) "Applicant", any individual who seeks to become licensed as a physician assistant;
- (2) "Certification" or "registration", a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;
- (3) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;

(4) "Department", the department of insurance, financial institutions and professional registration or a designated agency thereof;

(5) "License", a document issued to an applicant by the board acknowledging that the applicant is entitled to practice as a physician assistant;

(6) "Physician assistant", a person who has graduated from a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;

(7) "Recognition", the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749;

(8) "Supervision", control exercised over a physician assistant working with a supervising physician and oversight of the activities of and accepting responsibility for the physician assistant's delivery of care. The physician assistant shall only practice at a location where the physician routinely provides patient care, except existing patients of the supervising physician in the patient's home and correctional facilities. The supervising physician must be immediately available in person or via telecommunication during the time the physician assistant is providing patient care. Prior to commencing practice, the supervising physician and physician assistant shall attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and that the physician assistant shall not practice beyond the physician assistant's training and experience. Appropriate supervision shall require the supervising physician to be working within the same facility as the physician assistant for at least four hours within one calendar day for every fourteen days on which the physician assistant provides patient care as described in subsection 3 of this section. Only days in which the physician assistant provides patient care as described in subsection 3 of this section shall be counted toward the fourteen-day period. The requirement of appropriate supervision shall be applied so that no more than thirteen calendar days in which a physician assistant provides patient care shall pass between the physician's four hours working within the same facility. The board shall promulgate rules pursuant to chapter 536 for documentation of joint review of the physician assistant activity by the supervising physician and the physician assistant.

2. (1) A supervision agreement shall limit the physician assistant to practice only at locations described in subdivision (8) of subsection 1 of this section, where the supervising physician is no further than ~~[fifty]~~ **seventy-five** miles by road using the most direct route available and where the location is not so situated as to create an impediment to effective intervention and supervision of patient care or adequate review of services.

(2) For a physician-physician assistant team working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended, no supervision requirements in addition to the minimum federal law shall be required.

3. The scope of practice of a physician assistant shall consist only of the following services and procedures:

- (1) Taking patient histories;
- (2) Performing physical examinations of a patient;
- (3) Performing or assisting in the performance of routine office laboratory and patient screening procedures;
- (4) Performing routine therapeutic procedures;
- (5) Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;
- (6) Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved by a licensed physician;
- (7) Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a licensed physician;
- (8) Assisting in surgery;
- (9) Performing such other tasks not prohibited by law under the supervision of a licensed physician as the physician's assistant has been trained and is proficient to perform; and
- (10) Physician assistants shall not perform or prescribe abortions.

4. Physician assistants shall not prescribe nor dispense any drug, medicine, device or therapy unless pursuant to a physician supervision agreement in accordance with the law, nor prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual power or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing and dispensing of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a physician assistant supervision agreement which is specific to the clinical conditions treated by the supervising physician and the physician assistant shall be subject to the following:

- (1) A physician assistant shall only prescribe controlled substances in accordance with section 334.747;
- (2) The types of drugs, medications, devices or therapies prescribed or dispensed by a physician assistant shall be consistent with the scopes of practice of the physician assistant and the supervising physician;
- (3) All prescriptions shall conform with state and federal laws and regulations and shall include the name, address and telephone number of the physician assistant and the supervising physician;
- (4) A physician assistant, or advanced practice registered nurse as defined in section 335.016 may request, receive and sign for noncontrolled professional samples and may distribute professional samples to patients;
- (5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the supervising physician is not qualified or authorized to prescribe; and
- (6) A physician assistant may only dispense starter doses of medication to cover a period of time for seventy-two hours or less.

5. A physician assistant shall clearly identify himself or herself as a physician assistant and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician assistant shall practice or attempt to practice without physician supervision or in any location where the supervising physician is not immediately available for consultation, assistance and intervention, except as otherwise provided in this section, and in an emergency situation, nor shall any physician assistant bill a patient independently or directly for any services or procedure by the physician assistant; except that, nothing in this subsection shall be construed to prohibit a physician assistant from enrolling with the department of social services as a MO HealthNet or Medicaid provider while acting under a supervision agreement between the physician and physician assistant.

6. For purposes of this section, the licensing of physician assistants shall take place within processes established by the state board of registration for the healing arts through rule and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536 establishing licensing and renewal procedures, supervision, supervision agreements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensing may be denied or the license of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335 shall not be required to be licensed as physician assistants. All applicants for physician assistant licensure who complete a physician assistant training program after January 1, 2008, shall have a master's degree from a physician assistant program.

7. "Physician assistant supervision agreement" means a written agreement, jointly agreed-upon protocols or standing order between a supervising physician and a physician assistant, which provides for the delegation of health care services from a supervising physician to a physician assistant and the review of such services. The agreement shall contain at least the following provisions:

- (1) Complete names, home and business addresses, zip codes, telephone numbers, and state license numbers of the supervising physician and the physician assistant;
  - (2) A list of all offices or locations where the physician routinely provides patient care, and in which of such offices or locations the supervising physician has authorized the physician assistant to practice;
  - (3) All specialty or board certifications of the supervising physician;
  - (4) The manner of supervision between the supervising physician and the physician assistant, including how the supervising physician and the physician assistant shall:
    - (a) Attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and experience and that the physician assistant shall not practice beyond the scope of the physician assistant's training and experience nor the supervising physician's capabilities and training; and
    - (b) Provide coverage during absence, incapacity, infirmity, or emergency by the supervising physician;
  - (5) The duration of the supervision agreement between the supervising physician and physician assistant;
- and

(6) A description of the time and manner of the supervising physician's review of the physician assistant's delivery of health care services. Such description shall include provisions that the supervising physician, or a designated supervising physician listed in the supervision agreement review a minimum of ten percent of the charts of the physician assistant's delivery of health care services every fourteen days.

8. When a physician assistant supervision agreement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the supervising physician or other physician designated in the supervision agreement shall see the patient for evaluation and approve or formulate the plan of treatment for new or significantly changed conditions as soon as practical, but in no case more than two weeks after the patient has been seen by the physician assistant.

9. At all times the physician is responsible for the oversight of the activities of, and accepts responsibility for, health care services rendered by the physician assistant.

10. It is the responsibility of the supervising physician to determine and document the completion of at least a one-month period of time during which the licensed physician assistant shall practice with a supervising physician continuously present before practicing in a setting where a supervising physician is not continuously present.

11. No contract or other agreement shall require a physician to act as a supervising physician for a physician assistant against the physician's will. A physician shall have the right to refuse to act as a supervising physician, without penalty, for a particular physician assistant. No contract or other agreement shall limit the supervising physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any physician assistant, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by the hospital's medical staff.

12. Physician assistants shall file with the board a copy of their supervising physician form.

13. No physician shall be designated to serve as supervising physician for more than three full-time equivalent licensed physician assistants. This limitation shall not apply to physician assistant agreements of hospital employees providing inpatient care service in hospitals as defined in chapter 197."; and

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

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

## MOTION

Representative Christofanelli, having voted on the prevailing side, moved that the vote by which **House Amendment No. 3** to **HCS SB 501** was defeated, be reconsidered.

Which motion was adopted by the following vote:

AYES: 105

Adams	Anderson	Andrews	Austin	Bangert
Baringer	Barnes 60	Barnes 28	Basye	Beard
Beck	Black	Bondon	Brattin	Brown 27
Brown 94	Burnett	Chipman	Christofanelli	Cierpiot
Conway 10	Conway 104	Corlew	Cornejo	Crawford
Curtman	Davis	DeGroot	Ellebracht	Evans
Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker	Francis
Franklin	Gannon	Green	Gregory	Grier
Haahr	Haefner	Hannegan	Hansen	Harris
Helms	Henderson	Higdon	Hill	Houx
Hubrecht	Hurst	Johnson	Justus	Kelly 141
Kidd	Kolkmeyer	Korman	Lant	Lauer
Lichtenegger	Lynch	Mathews	McCaherty	McGaughey
Merideth 80	Messenger	Moon	Morgan	Morris
Muntzel	Newman	Peters	Pfautsch	Phillips

Pike	Quade	Razer	Rehder	Reiboldt
Reisch	Roeber	Rone	Ross	Rowland 155
Rowland 29	Ruth	Schroer	Shaul 113	Shull 16
Shumake	Smith 163	Sommer	Spencer	Stacy
Stephens 128	Swan	Tate	Taylor	Trent
Vescovo	Walker 3	Wiemann	Wood	Mr. Speaker

NOES: 023

Anders	Bernskoetter	Brown 57	Eggleston	Franks Jr
Frederick	Lavender	Love	May	McCann Beatty
McCreery	Meredith 71	Mosley	Nichols	Pierson Jr
Pogue	Remole	Roberts	Runions	Smith 85
Unsicker	Wessels	White		

PRESENT: 006

Arthur	Carpenter	Kendrick	Mitten	Stevens 46
Walker 74				

ABSENT WITH LEAVE: 028

Alferman	Bahr	Berry	Burns	Butler
Cookson	Cross	Curtis	Dogan	Dohrman
Dunn	Ellington	Engler	Gray	Houghton
Kelley 127	Marshall	Matthiesen	McDaniel	McGee
Miller	Neely	Pietzman	Plocher	Redmon
Rhoads	Roden	Wilson		

VACANCIES: 001

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

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

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Bill No. 501, Page 6, Section 195.206, Line 34, by inserting immediately after all of said section and line the following:

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

- (1) "Administer", the direct application of an epinephrine auto-injector to the body of an individual;**
- (2) "Authorized entity", any entity or organization at or in connection with which allergens capable of causing anaphylaxis may be present including, but not limited to, restaurants, recreation camps, youth sports leagues, amusement parks, and sports arenas. "Authorized entity" shall not include any public school or public charter school;**
- (3) "Epinephrine auto-injector", a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body;**
- (4) "Physician", a physician licensed in this state under chapter 334;**
- (5) "Provide", the supply of one or more epinephrine auto-injectors to an individual;**
- (6) "Self-administration", a person's discretionary use of an epinephrine auto-injector.**

**2. A physician may prescribe epinephrine auto-injectors in the name of an authorized entity for use in accordance with this section, and pharmacists, physicians, and other persons authorized to dispense prescription medications may dispense epinephrine auto-injectors under a prescription issued in the name of an authorized entity.**

3. An authorized entity may acquire and stock a supply of epinephrine auto-injectors under a prescription issued in accordance with this section. Such epinephrine auto-injectors shall be stored in a location readily accessible in an emergency and in accordance with the epinephrine auto-injector's instructions for use and any additional requirements established by the department of health and senior services by rule. An authorized entity shall designate employees or agents who have completed the training required under this section to be responsible for the storage, maintenance, and general oversight of epinephrine auto-injectors acquired by the authorized entity.

4. An authorized entity that acquires a supply of epinephrine auto-injectors under a prescription issued in accordance with this section shall ensure that:

(1) Expected epinephrine auto-injector users receive training in recognizing symptoms of severe allergic reactions including anaphylaxis and the use of epinephrine auto-injectors from a nationally recognized organization experienced in training laypersons in emergency health treatment or another entity or person approved by the department of health and senior services;

(2) All epinephrine auto-injectors are maintained and stored according to the epinephrine auto-injector's instructions for use;

(3) Any person who provides or administers an epinephrine auto-injector to an individual who the person believes in good faith is experiencing anaphylaxis activates the emergency medical services system as soon as possible; and

(4) A proper review of all situations in which an epinephrine auto-injector is used to render emergency care is conducted.

5. Any authorized entity that acquires a supply of epinephrine auto-injectors under a prescription issued in accordance with this section shall notify the emergency communications district or the ambulance dispatch center of the primary provider of emergency medical services where the epinephrine auto-injectors are to be located within the entity's facility.

6. No person shall provide or administer an epinephrine auto-injector to any individual who is under eighteen years of age without the verbal consent of a parent or guardian who is present at the time when provision or administration of the epinephrine auto-injector is needed. Provided, however, that a person may provide or administer an epinephrine auto-injector to such an individual without the consent of a parent or guardian if the parent or guardian is not physically present and the person reasonably believes the individual shall be in imminent danger without the provision or administration of the epinephrine auto-injector.

7. The following persons and entities shall not be liable for any injuries or related damages that result from the administration or self-administration of an epinephrine auto-injector in accordance with this section that may constitute ordinary negligence:

(1) An authorized entity that possesses and makes available epinephrine auto-injectors and its employees, agents, and other trained persons;

(2) Any person who uses an epinephrine auto-injector made available under this section;

(3) A physician that prescribes epinephrine auto-injectors to an authorized entity; or

(4) Any person or entity that conducts the training described in this section.

Such immunity does not apply to acts or omissions constituting a reckless disregard for the safety of others or willful or wanton conduct. The administration of an epinephrine auto-injector in accordance with this section shall not be considered the practice of medicine. The immunity from liability provided under this subsection is in addition to and not in lieu of that provided under section 537.037. An authorized entity located in this state shall not be liable for any injuries or related damages that result from the provision or administration of an epinephrine auto-injector by its employees or agents outside of this state if the entity or its employee or agent are not liable for such injuries or related damages under the laws of the state in which such provision or administration occurred. No trained person who is in compliance with this section and who in good faith and exercising reasonable care fails to administer an epinephrine auto-injector shall be liable for such failure.

8. All basic life support ambulances and stretcher vans operated in the state shall be equipped with epinephrine auto-injectors and be staffed by at least one individual trained in the use of epinephrine auto-injectors.

9. The provisions of this section shall apply in all counties within the state and any city not within a county.

10. Nothing in this section shall be construed as superseding the provisions of section 167.630."; and

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



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

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

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Bill No. 501, Page 3, Section 191.227, Line 70, by inserting immediately after all of said section and line the following:

- "192.945. 1. As used in this section, the following terms shall mean:
- (1) "Department", the department of health and senior services;
  - (2) "Hemp extract", as such term is defined in section 195.207;
  - (3) "Hemp extract registration card", a card issued by the department under this section;
  - (4) "Intractable epilepsy", epilepsy that as determined by a neurologist does not respond to three or more treatment options overseen by the neurologist;
  - (5) "Neurologist", a physician who is licensed under chapter 334 and board certified in neurology;
  - (6) "Parent", a parent or legal guardian of a minor who is responsible for the minor's medical care;
  - (7) **"Physician", a person who is a physician licensed by the state board of registration for the healing arts and practicing within this state;**
  - (8) "Registrant", an individual to whom the department issues a hemp extract registration card under this section.
2. The department shall issue a hemp extract registration card to an individual who:
- (1) Is eighteen years of age or older;
  - (2) Is a Missouri resident;
  - (3) Provides the department with a statement signed by a neurologist **or physician** that:
    - (a) Indicates that the individual suffers from intractable epilepsy and may benefit from treatment with hemp extract; and
    - (b) Is consistent with a record from the neurologist **or physician** concerning the individual contained in the database described in subsection 9 of this section;
  - (4) Pays the department a fee in an amount established by the department under subsection 6 of this section; and
  - (5) Submits an application to the department on a form created by the department that contains:
    - (a) The individual's name and address;
    - (b) A copy of the individual's valid photo identification; and
    - (c) Any other information the department considers necessary to implement the provisions of this section.
3. The department shall issue a hemp extract registration card to a parent who:
- (1) Is eighteen years of age or older;
  - (2) Is a Missouri resident;
  - (3) Provides the department with a statement signed by a neurologist **or physician** that:
    - (a) Indicates that a minor in the parent's care suffers from intractable epilepsy and may benefit from treatment with hemp extract; and
    - (b) Is consistent with a record from the neurologist **or physician** concerning the minor contained in the database described in subsection 9 of this section;
  - (4) Pays the department a fee in an amount established by the department under subsection 6 of this section; and
  - (5) Submits an application to the department on a form created by the department that contains:
    - (a) The parent's name and address;
    - (b) The minor's name;
    - (c) A copy of the parent's valid photo identification; and
    - (d) Any other information the department considers necessary to implement the provisions of this section.
4. The department shall maintain a record of the name of each registrant and the name of each minor receiving care from a registrant.
5. The department shall promulgate rules to:

(1) Implement the provisions of this section including establishing the information the applicant is required to provide to the department and establishing in accordance with recommendations from the department of public safety the form and content of the hemp extract registration card; and

(2) Regulate the distribution of hemp extract from a cannabidiol oil care center to a registrant, which shall be in addition to any other state or federal regulations; and

The department may promulgate rules to authorize clinical trials involving hemp extract.

6. The department shall establish fees that are no greater than the amount necessary to cover the cost the department incurs to implement the provisions of this section.

7. The registration cards issued under this section shall be valid for one year and renewable if at the time of renewal the registrant meets the requirements of either subsection 2 or 3 of this section.

8. The neurologist **or physician** who signs the statement described in subsection 2 or 3 of this section shall:

(1) Keep a record of the neurologist's **or physician's** evaluation and observation of a patient who is a registrant or minor under a registrant's care including the patient's response to hemp extract; and

(2) Transmit the record described in subdivision (1) of this subsection to the department.

9. The department shall maintain a database of the records described in subsection 8 of this section and treat the records as identifiable health data.

10. The department may share the records described in subsection 9 of this section with a higher education institution for the purpose of studying hemp extract.

11. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 14, 2014, shall be invalid and void.

192.947. 1. No individual or health care entity organized under the laws of this state shall be subject to any adverse action by the state or any agency, board, or subdivision thereof, including civil or criminal prosecution, denial of any right or privilege, the imposition of a civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission if such individual or health care entity, in its normal course of business and within its applicable licenses and regulations, acts in good faith upon or in furtherance of any order or recommendation by a neurologist **or physician** authorized under section 192.945 relating to the medical use and administration of hemp extract with respect to an eligible patient.

2. The provisions of subsection 1 of this section shall apply to the recommendation, possession, handling, storage, transfer, destruction, dispensing, or administration of hemp extract, including any act in preparation of such dispensing or administration.

3. This section shall not be construed to limit the rights provided under law for a patient to bring a civil action for damages against a physician, hospital, registered or licensed practical nurse, pharmacist, any other individual or entity providing health care services, or an employee of any entity listed in this subsection. "; and

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

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

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

*House Amendment No. 10*

AMEND House Committee Substitute for Senate Bill No. 501, Page 1, Section 9.240, Line 2, by inserting immediately after said section and line the following:

"190.142. 1. **(1) For applications submitted before the recognition of EMS personnel licensure interstate compact under sections 334.1500 to 334.1539 takes effect**, the department shall, within a reasonable

time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license; and

**(2) For applications submitted after the recognition of EMS personnel licensure interstate compact under sections 334.1500 to 334.1539 takes effect, an applicant for initial licensure as an emergency medical technician in this state shall submit to a background check by the Missouri state highway patrol and the Federal Bureau of Investigation through a process approved by the department of health and senior services. Such processes may include the use of vendors or systems administered by the Missouri state highway patrol. The department may share the results of such a criminal background check with any emergency services licensing agency in any member state, as that term is defined under section 334.1500, of the recognition of EMS personnel licensure interstate compact. The department shall not issue a license until the department receives the results of an applicant's criminal background check from the Missouri state highway patrol and the Federal Bureau of Investigation, but, notwithstanding this subsection, the department may issue a temporary license as provided under section 190.143. Any fees due for a criminal background check shall be paid by the applicant.**

The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

- (1) Age requirements;
- (2) Education and training requirements based on respective national curricula of the United States Department of Transportation and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;
- (3) Initial licensure testing requirements. Initial EMT-P licensure testing shall be through the national registry of EMTs or examinations developed and administered by the department of health and senior services;
- (4) Continuing education and relicensure requirements; and
- (5) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

- (1) Consistent with the training, education and experience of the particular emergency medical technician; and
- (2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void."; and

Further amend said bill, Page 6, Section 195.206, Line 34, by inserting immediately after said section and line the following:

**"195.430. 1. There is hereby established in the state treasury the "Controlled Substance Abuse Prevention Fund", which shall consist of moneys appropriated by the general assembly, not to exceed the amount of fees collected by the department of health and senior services for the issuance of registrations to manufacture, distribute, or dispense controlled substances. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The**

fund shall be a dedicated fund and moneys in the fund shall be used solely for the operation, regulation, enforcement, and educational activities of the bureau of narcotics and dangerous drugs. 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.

2. All fees authorized to be charged by the department shall be transmitted to the department of revenue for deposit in the state treasury for credit to the fund, to be disbursed solely for the payment of operating expenses of the bureau of narcotics and dangerous drugs to conduct inspections, enforce controlled substances laws and regulations, provide education to health care professionals and the public, and prevent abuse of controlled substances.

3. Any moneys appropriated or made available by gift, grant, bequest, contribution, or otherwise to carry out the purposes of this section shall be paid to and deposited in the controlled substances abuse prevention fund."; and

Further amend said bill, Page 10, Section 334.036, Line 64, by inserting after said section and line the following:

**"334.1500. 1. The "Recognition of EMS Personnel Licensure Interstate Compact" (REPLICA) is hereby enacted into law and entered into with all other jurisdictions legally joining therein, in the form substantially as follows in sections 334.1500 to 334.1539.**

**2. As used in sections 334.1500 to 334.1539, the following terms mean:**

**(1) "Advanced emergency medical technician" or "AEMT", an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model;**

**(2) "Adverse action", any administrative, civil, equitable, or criminal action permitted by a state's laws that may be imposed against licensed EMS personnel by a state EMS authority or state court including, but not limited to, actions against an individual's license such as revocation, suspension, probation, consent agreement, monitoring or other limitation, or encumbrance on the individual's practice, letters of reprimand or admonition, fines, criminal convictions, and state court judgments enforcing adverse actions by the state EMS authority;**

**(3) "Certification", the successful verification of entry-level cognitive and psychomotor competency using a reliable, validated, and legally defensible examination;**

**(4) "Commission", the national administrative body of which all states that have enacted the compact are members;**

**(5) "Emergency medical technician" or "EMT", an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model;**

**(6) "EMS", emergency medical services;**

**(7) "Home state", a member state where an individual is licensed to practice emergency medical services;**

**(8) "License", the authorization by a state for an individual to practice as an EMT, AEMT, paramedic, or a level in between EMT and paramedic;**

**(9) "Medical director", a physician licensed in a member state who is accountable for the care delivered by EMS personnel;**

**(10) "Member state", a state that has enacted this compact;**

**(11) "Paramedic", an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model;**

**(12) "Privilege to practice", an individual's authority to deliver emergency medical services in remote states as authorized under this compact;**

**(13) "Remote state", a member state in which an individual is not licensed;**

**(14) "Restricted", the outcome of an adverse action that limits a license or the privilege to practice;**

**(15) "Rule", a written statement by the interstate commission promulgated under section 334.1530 of this compact that is of general applicability; implements, interprets, or prescribes a policy or provision of the compact; or is an organizational, procedural, or practice requirement of the commission and has the force and effect of statutory law in a member state and includes the amendment, repeal, or suspension of an existing rule;**

(16) "Scope of practice", defined parameters of various duties or services that may be provided by an individual with specific credentials. Whether regulated by rule, statute, or court decision, it tends to represent the limits of services an individual may perform;

(17) "Significant investigatory information":

(a) Investigative information that a state EMS authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would result in the imposition of an adverse action on a license or privilege to practice; or

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

(18) "State", any state, commonwealth, district, or territory of the United States;

(19) "State EMS authority", the board, office, or other agency with the legislative mandate to license EMS personnel.

**334.1503. 1.** Any member state in which an individual holds a current license shall be deemed a home state for purposes of this compact.

**2.** Any member state may require an individual to obtain and retain a license to be authorized to practice in the member state under circumstances not authorized by the privilege to practice under the terms of this compact.

**3.** A home state's license authorizes an individual to practice in a remote state under the privilege to practice only if the home state:

(1) Currently requires the use of the National Registry of Emergency Medical Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and paramedic levels;

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

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

(4) No later than five years after activation of the compact, requires a criminal background check of all applicants for initial licensure, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, with the exception of federal employees who have suitability determination in accordance with 731 CFR 202 and submit documentation of such as promulgated in the rules of the commission; and

(5) Complies with the rules of the commission.

**334.1506. 1.** Member states shall recognize the privilege to practice of an individual licensed in another member state that is in conformance with section 334.1503.

**2.** To exercise the privilege to practice under the terms and provisions of this compact, an individual shall:

(1) Be at least eighteen years of age;

(2) Possess a current unrestricted license in a member state as an EMT, AEMT, paramedic, or state-recognized and licensed level with a scope of practice and authority between EMT and paramedic; and

(3) Practice under the supervision of a medical director.

**3.** An individual providing patient care in a remote state under the privilege to practice shall function within the scope of practice authorized by the home state unless and until modified by an appropriate authority in the remote state, as may be defined in the rules of the commission.

**4.** Except as provided in subsection 3 of this section, an individual practicing in a remote state shall be subject to the remote state's authority and laws. A remote state may, in accordance with due process and that state's laws, restrict, suspend, or revoke an individual's privilege to practice in the remote state and may take any other necessary actions to protect the health and safety of its citizens. If a remote state takes action, it shall promptly notify the home state and the commission.

**5.** If an individual's license in any home state is restricted, suspended, or revoked, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

**6.** If an individual's privilege to practice in any remote state is restricted, suspended, or revoked, the individual shall not be eligible to practice in any remote state until the individual's privilege to practice is restored.

**334.1509.** An individual may practice in a remote state under a privilege to practice only in the performance of the individual's EMS duties as assigned by an appropriate authority, as defined in the rules of the commission, and under the following circumstances:

- (1) The individual originates a patient transport in a home state and transports the patient to a remote state;
- (2) The individual originates in the home state and enters a remote state to pick up a patient and provides care and transport of the patient to the home state;
- (3) The individual enters a remote state to provide patient care or transport within that remote state;
- (4) The individual enters a remote state to pick up a patient and provides care and transport to a third member state; or
- (5) Other conditions as determined by rules promulgated by the commission.

**334.1512.** Upon a member state's governor's declaration of a state of emergency or disaster that activates the Emergency Management Assistance Compact (EMAC), all relevant terms and provisions of EMAC shall apply, and to the extent any terms or provisions of this compact conflict with EMAC, the terms of EMAC shall prevail with respect to any individual practicing in the remote state in response to such declaration.

**334.1515. 1.** Member states shall consider a veteran, active military service member, or member of the National Guard and Reserves separating from an active duty tour, or a spouse thereof, who holds a current, valid, and unrestricted NREMT certification at or above the level of the state license being sought as satisfying the minimum training and examination requirements for such licensure.

**2.** Member states shall expedite the process of licensure applications submitted by veterans, active military service members, or members of the National Guard and Reserves separating from an active duty tour, or their spouses.

**3.** All individuals functioning with a privilege to practice under this section remain subject to the adverse action provisions of section 334.1518.

**334.1518. 1.** A home state shall have exclusive power to impose adverse action against an individual's license issued by the home state.

**2.** If an individual's license in any home state is restricted, suspended, or revoked, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

(1) All home state adverse action orders shall include a statement that the individual's compact privileges are inactive. The order may allow the individual to practice in remote states with prior written authorization from both the home state and the remote state's EMS authority.

(2) An individual currently subject to adverse action in the home state shall not practice in any remote state without prior written authorization from both the home state and remote state's EMS authority.

**3.** A member state shall report adverse actions and any occurrences that the individual's compact privileges are restricted, suspended, or revoked to the commission in accordance with the rules of the commission.

**4.** A remote state may take adverse action on an individual's privilege to practice within that state.

**5.** Any member state may take adverse action against an individual's privilege to practice in that state based on the factual findings of another member state, so long as each state follows its own procedures for imposing such adverse action.

**6.** A home state's EMS authority shall coordinate investigative activities, share information via the coordinated database, and take appropriate action with respect to reported conduct in a remote state as it would if such conduct had occurred within the home state. In such cases, the home state's law shall control in determining the appropriate adverse action.

**7.** Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state's laws. Member states shall require individuals who enter any alternative programs to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

**334.1521.** A member state's EMS authority, in addition to any other powers granted under state law, is authorized under this compact to:

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

(2) Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege to practice in the state.

334.1524. 1. The compact states hereby create and establish a joint public agency known as the "Interstate Commission for EMS Personnel Practice".

(1) The commission is a body politic and an instrumentality of the compact states.

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

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

2. Each member state shall have and be limited to one delegate. The responsible official of the state EMS authority or his or her designee shall be the delegate to this compact for each member state. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the member state in which the vacancy exists. In the event that more than one board, office, or other agency with the legislative mandate to license EMS personnel at and above the level of EMT exists, the governor of the state will determine which entity will be responsible for assigning the delegate.

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

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

(3) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 334.1530.

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

(a) Noncompliance of a member state with its obligations under the compact;

(b) The employment, compensation, discipline or other personnel matters, practices, or procedures related to specific employees, or other matters related to the commission's internal personnel practices and procedures;

(c) Current, threatened, or reasonably anticipated litigation;

(d) Negotiation of contracts for the purchase or sale of goods, services, or real estate;

(e) Accusing any person of a crime or formally censuring any person;

(f) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

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

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

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

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

(5) If a meeting or portion of a meeting is closed under this section, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken and the reasons therefor, including a description of the

views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

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

- (1) Establishing the fiscal year of the commission;
- (2) Providing reasonable standards and procedures:
  - (a) For the establishment and meetings of other committees; and
  - (b) Governing any general or specific delegation of any authority or function of the commission;
- (3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the membership votes to close a meeting in whole or in part. As soon as practicable, the commission shall make public a copy of the vote to close the meeting revealing the vote of each member with no proxy votes allowed;
- (4) Establishing the titles, duties and authority, and reasonable procedures for the election of the officers of the commission;
- (5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar laws of any member state, the bylaws shall exclusively govern the personnel policies and programs of the commission;
- (6) Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees;
- (7) Providing a mechanism for winding up the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment or reserving of all of its debts and obligations;
- (8) The commission shall publish its bylaws and file a copy thereof, and a copy of any amendment thereto, with the appropriate agency or officer in each of the member states, if any;
- (9) The commission shall maintain its financial records in accordance with the bylaws; and
- (10) The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.

4. The commission shall have the following powers:

- (1) To promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding on all member states;
- (2) To bring and prosecute legal proceedings or actions in the name of the commission; provided that, the standing of any state EMS authority or other regulatory body responsible for EMS personnel licensure to sue or be sued under applicable law shall not be affected;
- (3) To purchase and maintain insurance and bonds;
- (4) To borrow, accept, or contract for services of personnel including, but not limited to, employees of a member state;
- (5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
- (6) To accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that, at all times the commission shall strive to avoid any appearance of impropriety and conflict of interest;
- (7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed; provided that, at all times the commission shall strive to avoid any appearance of impropriety;
- (8) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;
- (9) To establish a budget and make expenditures;
- (10) To borrow money;



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

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

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

(14) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of EMS personnel licensure and practice.

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

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

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

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

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

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

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

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

334.1527. 1. The commission shall provide for the development and maintenance of a coordinated database and reporting system containing licensure, adverse action, and significant investigatory information on all licensed individuals in member states.

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

(1) Identifying information;

(2) Licensure data;

- (3) Significant investigatory information;
- (4) Adverse actions against an individual's license;
- (5) An indicator that an individual's privilege to practice is restricted, suspended, or revoked;
- (6) Nonconfidential information related to alternative program participation;
- (7) Any denial of application for licensure and the reasons for such denial; and
- (8) Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

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

4. Member states contributing information to the coordinated database may designate information that shall not be shared with the public without the express permission of the contributing state.

5. Any information submitted to the coordinated database that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the coordinated database.

334.1530. 1. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

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

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

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

- (1) On the website of the commission; and
- (2) On the website of each member state's EMS authority or the publication in which each state would otherwise publish proposed rules.

5. The notice of proposed rulemaking shall include:

- (1) The proposed time, date, and location of the meeting at which the rule will be considered and voted upon;
- (2) The text of the proposed rule or amendment and the reason for the proposed rule;
- (3) A request for comments on the proposed rule from any interested person; and
- (4) The manner in which interested parties may submit notice to the commission of their intention to attend the public hearing and any written comments.

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

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

- (1) At least twenty-five persons;
- (2) A governmental subdivision or agency; or
- (3) An association having at least twenty-five members.

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

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

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

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

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

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

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

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

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

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

13. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

334.1533. 1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

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

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

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

- (1) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default, or any other action to be taken by the commission; and
- (2) Provide remedial training and specific technical assistance regarding the default.

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

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

7. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

8. The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact unless agreed upon in writing between the commission and the defaulting state.

9. The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

10. Upon a request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

11. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

12. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

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

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

334.1536. 1. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

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

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

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

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

4. Nothing contained in this compact shall be construed to invalidate or prevent any EMS personnel licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

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

334.1539. This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any member state thereto, the compact shall remain in full force and effect as to the remaining member states. Nothing in this compact supersedes state law or rules related to licensure of EMS agencies."; and

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

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

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 107

Alferman	Anderson	Andrews	Austin	Bahr
Barnes 60	Basye	Beard	Bernskoetter	Berry
Black	Bondon	Brattin	Brown 57	Brown 94
Chipman	Christofanelli	Cierpiot	Conway 104	Corlew
Cornejo	Crawford	Cross	Curtman	Davis
DeGroot	Dohrman	Eggleston	Engler	Evans
Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker	Francis
Franklin	Frederick	Gannon	Gregory	Grier
Haahr	Haefner	Hannegan	Hansen	Helms
Henderson	Hill	Houghton	Houx	Hubrecht
Hurst	Johnson	Justus	Kelley 127	Kelly 141
Lant	Lauer	Lichtenegger	Love	Lynch
Marshall	Mathews	Matthiesen	McCaherty	McDaniel
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Pfautsch	Phillips	Pietzman
Pike	Plocher	Pogue	Reiboldt	Reisch
Remole	Rhoads	Roeber	Rone	Ross
Rowland 155	Ruth	Schroer	Shaul 113	Shull 16
Shumake	Smith 163	Sommer	Spencer	Stacy
Stephens 128	Swan	Tate	Taylor	Trent
Vescovo	Walker 3	White	Wiemann	Wilson
Wood	Mr. Speaker			

NOES: 042

Adams	Anders	Arthur	Bangert	Baringer
Barnes 28	Beck	Brown 27	Burnett	Butler
Carpenter	Conway 10	Ellebracht	Ellington	Franks Jr
Gray	Green	Harris	Kendrick	Lavender
May	McCann Beatty	McCreery	McGee	Meredith 71
Merideth 80	Morgan	Mosley	Newman	Nichols
Peters	Pierson Jr	Quade	Razer	Roberts
Rowland 29	Runions	Smith 85	Stevens 46	Unsicker
Walker 74	Wessels			

PRESENT: 000

ABSENT WITH LEAVE: 013

Burns	Cookson	Curtis	Dogan	Dunn
Higdon	Kidd	Kolkmeyer	Korman	Mitten
Redmon	Rehder	Roden		

VACANCIES: 001

On motion of Representative Stephens (128), the title of **HCS SB 501, as amended**, was agreed to.

On motion of Representative Stephens (128), **HCS SB 501, as amended**, was adopted.

On motion of Representative Stephens (128), **HCS SB 501, as amended**, was read the third time and passed by the following vote:

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AYES: 141

Adams	Anders	Anderson	Andrews	Arthur
Austin	Bahr	Bangert	Baringer	Barnes 28
Basye	Beard	Beck	Bernskoetter	Berry
Black	Bondon	Brattin	Brown 27	Brown 57
Brown 94	Burnett	Butler	Carpenter	Chipman
Christofanelli	Cierpiot	Conway 104	Corlew	Cornejo
Crawford	Cross	Curtis	Curtman	Davis
DeGroot	Dogan	Dohrman	Eggleston	Ellebracht
Engler	Evans	Fitzpatrick	Fitzwater 144	Fitzwater 49
Fraker	Francis	Franklin	Franks Jr	Frederick
Gannon	Gray	Green	Gregory	Grier
Haahr	Haefner	Hannegan	Hansen	Harris
Helms	Henderson	Hill	Houghton	Houx
Hubrecht	Justus	Kelley 127	Kelly 141	Kendrick
Lant	Lauer	Lavender	Lichtenegger	Love
Lynch	Mathews	Matthiesen	May	McCaherty
McCann Beatty	McCreery	McGaugh	McGee	Meredith 71
Merideth 80	Messenger	Miller	Morgan	Morris
Mosley	Muntzel	Neely	Newman	Nichols
Peters	Pfautsch	Phillips	Pierson Jr	Pietzman
Pike	Plocher	Quade	Razer	Rehder
Reiboldt	Reisch	Remole	Rhoads	Roberts
Roeber	Rone	Ross	Rowland 155	Rowland 29
Runions	Ruth	Schroer	Shaul 113	Shull 16
Shumake	Smith 85	Smith 163	Sommer	Spencer
Stacy	Stephens 128	Stevens 46	Swan	Tate
Taylor	Trent	Unsicker	Vescovo	Walker 3
Walker 74	Wessels	White	Wiemann	Wood
Mr. Speaker				

NOES: 008

Barnes 60	Conway 10	Hurst	Marshall	McDaniel
Moon	Pogue	Wilson		

PRESENT: 000

ABSENT WITH LEAVE: 013

Alferman	Burns	Cookson	Dunn	Ellington
Higdon	Johnson	Kidd	Kolkmeier	Korman
Mitten	Redmon	Roden		

VACANCIES: 001

Representative Taylor declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 015

Baringer	Franks Jr	Frederick	Hansen	Kelley 127
Lauer	McGaugh	Phillips	Quade	Rowland 155
Rowland 29	Runions	Smith 85	Walker 74	Wessels

NOES: 126

Adams	Anders	Anderson	Andrews	Arthur
Austin	Bahr	Bangert	Barnes 60	Barnes 28
Basye	Beard	Beck	Bernskoetter	Berry
Black	Bondon	Brattin	Brown 27	Brown 94
Burnett	Butler	Carpenter	Chipman	Christofanelli
Cierpiot	Conway 10	Conway 104	Corlew	Cornejo
Crawford	Cross	Curtis	Curtman	Davis
DeGroot	Dogan	Dohrman	Eggleston	Ellebracht
Ellington	Engler	Evans	Fitzwater 144	Fitzwater 49
Fraker	Francis	Franklin	Gannon	Gray
Green	Gregory	Grier	Haahr	Hannegan
Harris	Helms	Henderson	Houghton	Houx
Hurst	Johnson	Justus	Kelly 141	Kendrick
Lant	Lavender	Lichtenegger	Love	Lynch
Marshall	Mathews	May	McCaherty	McCreery
McDaniel	McGee	Meredith 71	Merideth 80	Messenger
Moon	Morgan	Morris	Mosley	Muntzel
Neely	Newman	Nichols	Peters	Pfautsch
Pierson Jr	Pietzman	Pike	Plocher	Pogue
Razer	Rehder	Reiboldt	Reisch	Remole
Roberts	Roeber	Rone	Ross	Ruth
Schroer	Shaul 113	Shull 16	Shumake	Smith 163
Sommer	Spencer	Stacy	Stephens 128	Stevens 46
Swan	Tate	Taylor	Trent	Unsicker
Vescovo	Walker 3	White	Wiemann	Wilson
Wood				

PRESENT: 000

ABSENT WITH LEAVE: 021

Alferman	Brown 57	Burns	Cookson	Dunn
Fitzpatrick	Haefner	Higdon	Hill	Hubrecht
Kidd	Kolkmeier	Korman	Matthiesen	McCann Beatty
Miller	Mitten	Redmon	Rhoads	Roden
Mr. Speaker				

VACANCIES: 001

**SCS#2 SB 128**, relating to the sixteenth judicial circuit, was taken up by Representative Roeber.

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

*House Amendment No. 1*

AMEND Senate Committee Substitute No. 2 for Senate Bill No. 128, Page 1, Section A, Line 2, by inserting immediately after said section and line the following:

**"29.225. When requested by a prosecuting attorney or circuit attorney or law enforcement agency, the auditor or his or her authorized representatives may audit all or part of any political subdivision or other government entity as part of an investigation of improper government activities, including official misconduct, fraud, misappropriation, mismanagement, waste of resources, or a violation of state or federal law, rule, or regulation.**

105.478. Any person guilty of knowingly violating any of the provisions of sections 105.450 to 105.498 shall be punished as follows:

(1) ~~[For the first offense, such person is guilty of a]~~ **The offense is a class B misdemeanor, unless the person has previously been found guilty of knowingly violating any of the provisions of sections 105.450 to 105.498, in which case such person shall be guilty of a class E felony;**

(2) ~~[For the second and subsequent offenses]~~ **For any offense involving more than seven hundred fifty dollars in value of any combination of goods or services, such person is guilty of a class E felony.**

210.845. 1. The provisions of any decree respecting support may be modified only upon a showing of changed circumstances so substantial and continuing as to make the terms unreasonable. In a proceeding for modifications of any child support award, the court, in determining whether or not a substantial change in circumstances has occurred, shall consider all financial resources of both parties, including the extent to which the reasonable expenses of either party are, or should be, shared by a spouse or other person with whom he cohabits, and the earning capacity of a party who is not employed. If the application of the guidelines and criteria set forth in supreme court rule 88.01 to the financial circumstances of the parties would result in a change of child support from the existing amount by twenty percent or more, then a prima facie showing has been made of a change of circumstances so substantial and continuing as to make the present terms unreasonable.

2. When the party seeking modification has met the burden of proof set forth in subsection 1 of this section, the child support shall be determined in conformity with criteria set forth in supreme court rule 88.01.

**3. A responsive pleading shall be filed in response to any motion to modify a child support or custody judgment.**

**252.069. Any agent of the conservation commission may enforce the provisions of sections 577.070 and 577.080 and arrest violators only upon the water, the banks thereof, or upon public land.**

302.441. 1. If a person is required to have an ignition interlock device installed on such person's vehicle, he or she may apply to the court for an employment exemption variance to allow him or her to drive an employer-owned vehicle not equipped with an ignition interlock device for employment purposes only. Such exemption shall not be granted to a person who is self-employed or who wholly or partially owns **or controls** an entity that owns an employer-owned vehicle.

2. A person who is granted an employment exemption variance under subsection 1 of this section shall not drive, operate, or be in physical control of an employer-owned vehicle used for transporting children under eighteen years of age or vulnerable persons, as defined in section 630.005, or an employer-owned vehicle for personal use.

400.9-501. (a) Except as otherwise provided in subsection (b), if the local law of this state governs perfection of a security interest or agricultural lien, the office in which to file a financing statement to perfect the security interest or agricultural lien is:

(1) The office designated for the filing or recording of a record of a mortgage on the related real property, if:

(A) The collateral is as-extracted collateral or timber to be cut; or

(B) The financing statement is filed as a fixture filing and the collateral is goods that are or are to become fixtures; or

(2) The office of the secretary of state in all other cases, including a case in which the collateral is goods that are or are to become fixtures and the financing statement is not filed as a fixture filing.

(b) The office in which to file a financing statement to perfect a security interest in collateral, including fixtures, of a transmitting utility is the office of the secretary of state. The financing statement also constitutes a fixture filing as to the collateral indicated in the financing statement which is or is to become fixtures.

~~[(c) A person shall not knowingly or intentionally file, attempt to file, or record any document related to real property with a recorder of deeds under chapter 59 or a financing statement with the secretary of state under subdivision (2) of subsection (a) or subsection (b) of this section, with the intent that such document or statement be used to harass or defraud any other person or knowingly or intentionally file, attempt to file, or record such a document or statement that is materially false or fraudulent.]~~

~~— (1) A person who violates this subsection shall be guilty of a class E felony.—~~

~~— (2) If a person is convicted of a violation under this subsection, the court may order restitution.—~~

~~— (d) In the alternative to the provisions of sections 428.105 through 428.135, if a person files a false or fraudulent financing statement with the secretary of state under subdivision (2) of subsection (a) or subsection (b) of this section, a debtor named in that financing statement may file an action against the person that filed the financing~~



~~statement seeking appropriate equitable relief, actual damages, or punitive damages, including, but not limited to, reasonable attorney fees.]~~

452.370. 1. Except as otherwise provided in subsection 6 of section 452.325, the provisions of any judgment respecting maintenance or support may be modified only upon a showing of changed circumstances so substantial and continuing as to make the terms unreasonable. **A responsive pleading shall be filed in response to any motion to modify a child support or maintenance judgment.** In a proceeding for modification of any child support or maintenance judgment, the court, in determining whether or not a substantial change in circumstances has occurred, shall consider all financial resources of both parties, including the extent to which the reasonable expenses of either party are, or should be, shared by a spouse or other person with whom he or she cohabits, and the earning capacity of a party who is not employed. If the application of the child support guidelines and criteria set forth in section 452.340 and applicable supreme court rules to the financial circumstances of the parties would result in a change of child support from the existing amount by twenty percent or more, a prima facie showing has been made of a change of circumstances so substantial and continuing as to make the present terms unreasonable, if the existing amount was based upon the presumed amount pursuant to the child support guidelines.

2. When the party seeking modification has met the burden of proof set forth in subsection 1 of this section, the child support shall be determined in conformity with criteria set forth in section 452.340 and applicable supreme court rules.

3. Unless otherwise agreed in writing or expressly provided in the judgment, the obligation to pay future statutory maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

4. Unless otherwise agreed in writing or expressly provided in the judgment, provisions for the support of a child are terminated by emancipation of the child. The parent entitled to receive child support shall have the duty to notify the parent obligated to pay support of the child's emancipation and failing to do so, the parent entitled to receive child support shall be liable to the parent obligated to pay support for child support paid following emancipation of a minor child, plus interest.

5. If a parent has made an assignment of support rights to the family support division on behalf of the state as a condition of eligibility for benefits pursuant to the Temporary Assistance for Needy Families program and either party initiates a motion to modify the support obligation by reducing it, the state of Missouri shall be named as a party to the proceeding. The state shall be served with a copy of the motion by sending it by certified mail to the director of the family support division.

6. The court shall have continuing personal jurisdiction over both the obligee and the obligor of a court order for child support or maintenance for the purpose of modifying such order. Both obligee and obligor shall notify, in writing, the clerk of the court in which the support or maintenance order was entered of any change of mailing address. If personal service of the motion cannot be had in this state, the motion to modify and notice of hearing shall be served outside the state as provided by supreme court rule 54.14. The order may be modified only as to support or maintenance installments which accrued subsequent to the date of personal service. For the purpose of 42 U.S.C. Section 666(a)(9)(C), the circuit clerk shall be considered the appropriate agent to receive notice of the motion to modify for the obligee or the obligor, but only in those instances in which personal service could not be had in this state.

7. If a responsive pleading raising the issues of custody or visitation is filed in response to a motion to modify child support filed at the request of the family support division by a prosecuting attorney or circuit attorney or an attorney under contract with the division, such responsive pleading shall be severed upon request.

8. Notwithstanding any provision of this section which requires a showing of substantial and continuing change in circumstances, in a IV-D case filed pursuant to this section by the family support division as provided in section 454.400, the court shall modify a support order in accordance with the guidelines and criteria set forth in supreme court rule 88.01 and any regulations thereunder if the amount in the current order differs from the amount which would be ordered in accordance with such guidelines or regulations.

452.747. 1. Any petition for modification of child custody decrees filed under the provisions of section 452.410 or sections 452.700 to 452.930 shall be verified and, if the original proceeding originated in the state of Missouri, shall be filed in that original case, but service shall be obtained and responsive pleadings ~~may~~ **shall** be filed as in any original proceeding.

2. Before making a decree under section 452.410 or sections 452.700 to 452.930, the litigants, any parent whose parental rights have not been previously terminated, and any person who has physical custody of the child shall be served in the manner provided by the rules of civil procedure and applicable court rules and ~~may~~ **shall** within thirty days after the date of service (forty-five days if service by publication) file a verified answer. If any such persons are outside this state, notice and opportunity to be heard shall be given under section 452.740.

454.500. 1. At any time after the entry of an order pursuant to sections 454.470 and 454.475, the obligated parent, the division, or the person or agency having custody of the dependent child may file a motion for modification with the director. Such motion shall be in writing, shall set forth the reasons for modification, and shall state the address of the moving party. The motion shall be served by the moving party in the manner provided for in subsection 5 of section 454.465 upon the obligated parent or the party holding the support rights, as appropriate. In addition, if the support rights are held by the family support division on behalf of the state, a true copy of the motion shall be mailed by the moving party by certified mail to the person having custody of the dependent child at the last known address of that person. **The obligated parent or the party holding the support rights shall file a pleading in response to the motion to modify.** A hearing on the motion shall then be provided in the same manner, and determinations shall be based on considerations set out in section 454.475, unless the party served fails to respond within thirty days, in which case the director may enter an order by default. If the child for whom the order applies is no longer in the custody of a person receiving public assistance or receiving support enforcement services from the department, or a division thereof, pursuant to section 454.425, the director may certify the matter for hearing to the circuit court in which the order was filed pursuant to section 454.490 in lieu of holding a hearing pursuant to section 454.475. If the director certifies the matter for hearing to the circuit court, service of the motion to modify shall be had in accordance with the provisions of subsection 5 of section 452.370. If the director does not certify the matter for hearing to the circuit court, service of the motion to modify shall be considered complete upon personal service, or on the date of mailing, if sent by certified mail. For the purpose of 42 U.S.C. Section 666(a)(9)(C), the director shall be considered the appropriate agent to receive the notice of the motion to modify for the obligee or the obligor, but only in those instances in which the matter is not certified to circuit court for hearing, and only when service of the motion is attempted on the obligee or obligor by certified mail.

2. A motion for modification made pursuant to this section shall not stay the director from enforcing and collecting upon the existing order pending the modification proceeding unless so ordered by the court.

3. Only payments accruing subsequent to the service of the motion for modification upon all named parties to the motion may be modified. Modification may be granted only upon a showing of a change of circumstances so substantial and continuing as to make the terms unreasonable. In a proceeding for modification of any child support award, the director, in determining whether or not a substantial change in circumstances has occurred, shall consider all financial resources of both parties, including the extent to which the reasonable expenses of either party are, or should be, shared by a spouse or other person with whom he or she cohabits, and the earning capacity of a party who is not employed. If the application of the guidelines and criteria set forth in supreme court rule 88.01 to the financial circumstances of the parties would result in a change of child support from the existing amount by twenty percent or more, then a prima facie showing has been made of a change of circumstances so substantial and continuing as to make the present terms unreasonable.

4. If the division has entered an order under section 454.470 or 454.500, and an additional child or children not the subject of the order are born to the parties, the division may, following the filing of a motion to modify, service of process, and opportunity for a hearing pursuant to this section, modify the underlying child support order to include a single child support obligation for all children of the parties in conformity with the criteria set forth in supreme court rule 88.01.

5. The circuit court may, upon such terms as may be just, relieve a parent from an administrative order entered against that parent because of mistake, inadvertence, surprise, or excusable neglect.

6. No order entered pursuant to section 454.476 shall be modifiable pursuant to this section, except that an order entered pursuant to section 454.476 shall be amended by the director to conform with any modification made by the court that entered the court order upon which the director based his or her order.

7. When the party seeking modifications has met the burden of proof set forth in subsection 3 of this section, then the child support shall be determined in conformity with the criteria set forth in supreme court rule 88.01.

8. The last four digits of the Social Security number of the parents shall be recorded on any order entered pursuant to this section. The full Social Security number of each party and each child shall be retained in the manner required by section 509.520.

456.4-414. 1. After notice to the qualified beneficiaries, the trustee of a trust consisting of trust property having a total value less than ~~[one hundred thousand]~~ **two hundred fifty thousand** dollars may terminate the trust if the trustee concludes that the value of the trust property is insufficient to justify the cost of administration.

2. The court may modify or terminate a trust or remove the trustee and appoint a different trustee if it determines that the value of the trust property is insufficient to justify the cost of administration.

3. Upon termination of a trust under this section, the trustee shall distribute the trust property in a manner consistent with the purposes of the trust.

4. This section does not apply to an easement for conservation or preservation.

456.4-420. 1. If a trust instrument containing a no-contest clause is or has become irrevocable, an interested person may file a petition to the court for an interlocutory determination whether a particular motion, petition, or other claim for relief by the interested person would trigger application of the no-contest clause or would otherwise trigger a forfeiture that is enforceable under applicable law and public policy.

2. The petition described in subsection 1 of this section shall be verified under oath. The petition may be filed by an interested person either as a separate judicial proceeding, or brought with other claims for relief in a single judicial proceeding, all in the manner prescribed generally for such proceedings under this chapter. If a petition is joined with other claims for relief, the court shall enter its order or judgment on the petition before proceeding any further with any other claim for relief joined therein. In ruling on such a petition, the court shall consider the text of the clause, the context to the terms of the trust instrument as a whole, and in the context of the verified factual allegations in the petition. No evidence beyond the pleadings and the trust instrument shall be taken except as required to resolve an ambiguity in the no-contest clause.

3. An order or judgment determining a petition described in subsection 1 of this section shall have the effect set forth in subsections 4 and 5 of this section, and shall be subject to appeal as with other final judgments. If the order disposes of fewer than all claims for relief in a judicial proceeding, that order is subject to interlocutory appeal in accordance with the applicable rules for taking such an appeal. If an interlocutory appeal is taken, the court may stay the pending judicial proceeding until final disposition of said appeal on such terms and conditions as the court deems reasonable and proper under the circumstances. A final ruling on the applicability of a no-contest clause shall not preclude any later filing and adjudication of other claims related to the trust.

4. An order or judgment, in whole or in part, on a petition described in subsection 1 of this section shall result in the no-contest clause being enforceable to the extent of the court's ruling, and shall govern application of the no-contest clause to the extent that the interested person then proceeds forward with the claims described therein. In the event such an interlocutory order or judgment is vacated, reversed, or otherwise modified on appeal, no interested person shall be prejudiced by any reliance, through action, inaction, or otherwise, on the order or judgment prior to final disposition of the appeal.

5. An order or judgment shall have effect only as to the specific trust terms and factual basis recited in the petition. If claims are later filed that are materially different than those upon which the order or judgment is based, then to the extent such new claims are raised, the party in whose favor the order or judgment was entered shall have no protection from enforcement of the no-contest clause otherwise afforded by the order and judgment entered under this section.

6. For purposes of this section, a "no-contest clause" shall mean a provision in a trust instrument purporting to rescind a donative transfer to, or a fiduciary appointment of, any person, or that otherwise effects a forfeiture of some or all of an interested person's beneficial interest in a trust estate as a result of some action taken by the beneficiary. This definition shall not be construed in any way as determining whether a no-contest clause is enforceable under applicable law and public policy in a particular factual situation. As used in this section, the term "no-contest clause" shall also mean an "in terrorem clause".

7. A no-contest clause is not enforceable against an interested person in, but not limited to, the following circumstances:

(1) Filing a motion, petition, or other claim for relief objecting to the jurisdiction or venue of the court over a proceeding concerning a trust, or over any person joined, or attempted to be joined, in such a proceeding;

(2) Filing a motion, petition, or other claim for relief concerning an accounting, report, or notice that has or should have been made by a trustee, provided the interested person otherwise has standing to do so under applicable law, including, but not limited to, section 456.6-603;

(3) Filing a motion, petition, or other claim for relief under chapter 475 concerning the appointment of a guardian or conservator for the settlor;

- (4) Filing a motion, petition, or other claim for relief under chapter 404 concerning the settlor;
  - (5) Disclosure to any person of information concerning a trust instrument or that is relevant to a proceeding before the court concerning the trust instrument or property of the trust estate, unless such disclosure is otherwise prohibited by law;
  - (6) Filing a motion, pleading, or other claim for relief seeking approval of a nonjudicial settlement agreement concerning a trust instrument, as set forth in section 456.1-111;
  - (7) **Filing a motion, pleading, or other claim for relief concerning a breach of trust by a trustee including, but not limited to, a claim under section 456.10-1001. For purposes of this subdivision, "breach of trust" means a trustee's violation of the terms of a trust instrument, a violation of the trustee's general fiduciary obligations, or a trustee's violation of a duty that equity imposes on a trustee;**
  - (8) **Filing a motion, pleading, or other claim for relief concerning removal of a trustee including, but not limited to, a claim for removal under section 456.7-706;**
  - (9) To the extent a petition under subsection 1 of this section is limited to the procedure and purpose described therein.
8. In any proceeding brought under this section, the court may award costs, expenses, and attorneys' fees to any party, as provided in section 456.10-1004.

**472.400. Sections 472.400 to 472.490 shall be known and may be cited as the "Missouri Fiduciary Access to Digital Assets Act".**

**472.405. As used in sections 472.400 to 472.490, the following terms mean:**

- (1) "Access", includes view, marshal, manage, copy, distribute, or delete;
- (2) "Account", an arrangement under a terms-of-service agreement in which a custodian carries, maintains, processes, receives, or stores a digital asset of the user or provides goods or services to the user;
- (3) "Agent", an attorney-in-fact granted authority under a durable or nondurable power of attorney;
- (4) "Carries", engages in the transmission of electronic communications;
- (5) "Catalogue of electronic communications", information that identifies each person with which a user has had an electronic communication, the time and date of the communication, and the electronic address of the person;
- (6) "Conservator", a person appointed by a court to have the care and custody of the estate of a minor or a disabled person. A "limited conservator" is one whose duties or powers are limited. The term "conservator", as used in sections 472.400 to 472.490, includes limited conservator unless otherwise specified or apparent from the context;
- (7) "Content of an electronic communication", information concerning the substance or meaning of the communication which:
  - (a) Has been sent or received by a user;
  - (b) Is in electronic storage by a custodian providing an electronic-communication service to the public or is carried or maintained by a custodian providing a remote-computing service to the public; and
  - (c) Is not readily accessible to the public;
- (8) "Court", any court with competent jurisdiction within this state;
- (9) "Custodian", a person that carries, maintains, processes, receives, or stores a digital asset of a user;
- (10) "Designated recipient", a person chosen by a user using an online tool to administer digital assets of the user;
- (11) "Digital asset", an electronic record in which an individual has a right or interest. The term does not include an underlying asset or liability unless the asset or liability is itself an electronic record;
- (12) "Electronic", relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;
- (13) "Electronic communication", has the same meaning as set forth in 18 U.S.C. Section 2510(12), as amended;
- (14) "Electronic communication service", a custodian that provides to a user the ability to send or receive an electronic communication;
- (15) "Fiduciary", an original, additional, or successor personal representative, conservator, agency, or trustee;
- (16) "Information", data, text, images, videos, sounds codes, computer programs, software, databases, or the like;

(17) "Online tool", an electronic service provided by a custodian that allows the user, in an agreement distinct from the terms-of-service agreement between the custodian and user, to provide directions for disclosure or nondisclosure of digital assets to a third person;

(18) "Person", an individual, estate, trust, business or nonprofit entity, public corporation, government or governmental subdivision, agency, instrumentality, or other legal entity;

(19) "Personal representative", executor or administrator, including an administrator with the will annexed, an administrator de bonis non, an administrator pending contest, an administrator during minority or absence, and any other type of administrator of the estate of a decedent whose appointment is permitted, or any person who performs substantially the same function under the law of Missouri, including without limitation an affiant who has filed a small estate affidavit under section 473.097. It does not include an executor de son tort;

(20) "Power of attorney", a record that grants an agent authority to act in the place of a principal;

(21) "Principal", an individual who grants authority to an agent in a power of attorney;

(22) "Protected person", an individual for whom a conservator has been appointed, including a protectee, a disabled person, and an individual for whom an application for the appointment of a conservator is pending;

(23) "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;

(24) "Remote computing service", a custodian that provides to a user computer processing services or the storage of digital assets by means of an electronic communications system, as defined in 18 U.S.C. Section 2510(14), as amended;

(25) "Terms-of-service agreement", an agreement that controls the relationship between a user and a custodian;

(26) "Trustee", a fiduciary with legal title to property pursuant to an agreement or declaration that creates a beneficial interest in another, including an original, additional, and successor trustee, and a co-trustee;

(27) "User", a person that has an account with a custodian;

(28) "Will", includes a testamentary instrument, a codicil, a testamentary instrument that only appoints an executor, and instrument that revokes or revises a testamentary instrument.

472.410. 1. Sections 472.400 to 472.490 shall apply to:

(1) A fiduciary or agent acting under a will or power of attorney executed before, on, or after the effective date of sections 472.400 to 472.490;

(2) A personal representative acting for a decedent who dies before, on, or after the effective date of sections 472.400 to 472.490;

(3) A conservatorship proceeding commenced before, on, or after the effective date of sections 472.400 to 472.490; and

(4) A trustee acting under a trust created before, on, or after the effective date of sections 472.400 to 472.490.

2. Sections 472.400 to 472.490 shall apply to a custodian if the user resides in this state or resided in this state at the time of the user's death.

3. Sections 472.400 to 472.490 shall not apply to a digital asset of an employer used by an employee in the ordinary course of the employer's business.

472.415. 1. A user may use an online tool to direct the custodian to disclose to a designated recipient or not to disclose some or all of the user's digital assets, including the content of electronic communications. If the online tool allows the user to modify or delete a direction at all times, a direction regarding disclosure using an online tool overrides a contrary direction by the user in a will, trust, power of attorney, or other record.

2. If a user has not used an online tool to give direction under subsection 1 of this section or if the custodian has not provided an online tool, the user may allow or prohibit in a will, trust, power of attorney, or other record, disclosure to a fiduciary of some or all of the user's digital assets, including the content of electronic communications sent or received by the user.

3. A user's direction under subsection 1 or 2 of this section overrides a contrary provision in a terms-of-service agreement that does not require the user to act affirmatively and distinctly from the user's assent to the terms-of-service.

**472.420. 1. Sections 472.400 to 472.490 shall not change or impair a right of a custodian or a user under a terms-of-service agreement to access and use digital assets of the user.**

**2. Sections 472.400 to 472.490 shall not give a fiduciary or a designated recipient any new or expanded rights other than those held by the user for whom, or for whose estate, the fiduciary or designated recipient acts or represents.**

**3. A fiduciary's or a designated recipient's access to digital assets may be modified or eliminated by a user, by federal law, or by a terms-of-service agreement if the user has not provided direction under section 472.415.**

**472.425. 1. When disclosing digital assets of a user under sections 472.400 to 472.490 the custodian may at its sole discretion:**

- (1) Grant a fiduciary or designated recipient full access to the user's account;**
- (2) Grant a fiduciary or designated recipient partial access to the user's account sufficient to perform the tasks with which the fiduciary or designated recipient is charged; or**
- (3) Provide a fiduciary or designated recipient a copy in a record of any digital asset that, on the date the custodian received the request for disclosure, the user could have accessed if the user were alive and had full capacity and access to the account.**

**2. A custodian may assess a reasonable administrative charge for the cost of disclosing digital assets under sections 472.400 to 472.490.**

**3. A custodian shall not disclose under sections 472.400 to 472.490 a digital asset deleted by a user.**

**4. If a user directs or a fiduciary requests a custodian to disclose under sections 472.400 to 472.490 some, but not all, of the user's digital assets, the custodian need not disclose the assets if segregation of the assets would impose an undue burden on the custodian. If the custodian believes the direction or request imposes an undue burden, the custodian or fiduciary may seek an order from the court to disclose:**

- (1) A subset limited by date of the user's digital assets;**
- (2) All of the user's digital assets to the fiduciary or designated recipient;**
- (3) None of the user's digital assets; or**
- (4) All of the user's digital assets to the court for review in camera.**

**472.430. If a deceased user consented or a court directs disclosure of the contents of electronic communications of the user, the custodian shall disclose to the personal representative of the estate of the user the content of an electronic communication sent or received by the user if the representative gives the custodian:**

- (1) A written request for disclosure in physical or electronic form;**
- (2) A certified copy of the death certificate of the user;**
- (3) A certified copy of the letters testamentary or letters of administration of the representative or a certified copy of the certificate of clerk in connection with a small estate affidavit or court order;**
- (4) Unless the user provided direction using an online tool, then in the case of user consent to disclosure, a copy of the user's will, trust, power of attorney, or other record evidencing the user's consent to disclosure of the content of electronic communications; and**

**(5) If requested by the custodian for the purpose of identifying the correct account of the user:**

**(a) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;**

**(b) Evidence linking the account to the user; or**

**(c) A finding by the court that:**

**a. The user had a specific account with the custodian, identifiable by the information specified in paragraph (a) of this subdivision;**

**b. Disclosure of the content of electronic communications of the user would not violate 18 U.S.C. Section 2701 et seq., as amended, 47 U.S.C. Section 222, as amended, or other applicable law;**

**c. Unless the user provided direction using an online tool, the user consented to disclosure of the content of electronic communications; or**

**d. Disclosure of the content of electronic communications of the user is reasonably necessary for administration of the estate.**

**472.435. Unless the user prohibited disclosure of digital assets or the court directs otherwise, a custodian shall disclose to the personal representative of the estate of a deceased user a catalogue of electronic**

communications sent or received by the user and digital assets, other than the content of electronic communications, of the user, if the representative gives the custodian:

- (1) A written request for disclosure in physical or electronic form;
- (2) A certified copy of the death certificate of the user;
- (3) A certified copy of the letters testamentary or letters of administration of the representative or a certified copy of certificate of clerk in connection with a small-estate affidavit or court order; and
- (4) If requested by the custodian for the purpose of identifying the correct account of the correct user:
  - (a) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;
  - (b) Evidence linking the account to the user;
  - (c) An affidavit stating that disclosure of the user's digital assets is reasonably necessary for administration of the estate; or
  - (d) A finding by the court that:
    - a. The user had a specific account with the custodian, identifiable by the information specified in paragraph (a) of this subdivision; or
    - b. Disclosure of the user's digital assets is reasonably necessary for administration of the estate.

472.440. To the extent a power of attorney expressly grants an agent authority over the content of an electronic communications sent or received by the principal and unless directed otherwise by the principal or the court, a custodian shall disclose to the agent the content if the agent gives the custodian:

- (1) A written request for disclosure in physical or electronic form;
- (2) An original or copy of the power of attorney expressly granting the agent authority over the content of electronic communications of the principal;
- (3) A certification by the agent, under penalty of perjury, that the power of attorney is in effect; and
- (4) If requested by the custodian for the purpose of identifying the correct account of the correct user:
  - (a) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the principal's account; or
  - (b) Evidence linking the account to the principal.

472.445. Unless otherwise ordered by the court, directed by the principal, or provided by a power of attorney, a custodian shall disclose to an agent with specific authority over digital assets or general authority to act on behalf of a principal a catalogue of electronic communications sent or received by the principal and digital assets, other than the content of electronic communications, of the principal if the agent gives the custodian:

- (1) A written request for disclosure in physical or electronic form;
- (2) An original or a copy of the power of attorney that gives the agent specific authority over digital assets or general authority to act on behalf of the principal;
- (3) A certification by the agent, under penalty of perjury, that the power of attorney is in effect; and
- (4) If requested by the custodian for the purpose of identifying the correct account of the correct user:
  - (a) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the principal's account; or
  - (b) Evidence linking the account to the principal.

472.450. Unless otherwise ordered by the court or provided in a trust, a custodian shall disclose to a trustee that is an original user of an account any digital asset of the account held in trust, including a catalogue of electronic communications of the trustee and the content of the electronic communications.

472.455. Unless otherwise ordered by the court, directed by the user, or provided in a trust, a custodian shall disclose to a trustee that is not an original user of an account the content of an electronic communication sent or received by an original or successor user and carried, maintained, processed, received, or stored by the custodian in the account of the trust if the trustee gives the custodian:

- (1) A written request for disclosure in physical or electronic form;
- (2) A certified copy of the trust instrument or a certification of the trust under section 456.10-1013 that includes consent to disclosure of the content of electronic communications to the trustee;

- (3) A certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust; and
- (4) If requested by the custodian for the purpose of identifying the correct account of the correct user:
  - (a) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the trust's account; or
  - (b) Evidence linking the account to the trust.

472.460. Unless otherwise ordered by the court, directed by the user, or provided in a trust, a custodian shall disclose, to a trustee that is not an original user of an account, a catalogue of electronic communications sent or received by an original or successor user and stored, carried, or maintained by the custodian in an account of the trust and any digital assets, other than the content of electronic communications, in which the trust has a right or interest if the trustee gives the custodian:

- (1) A written request for disclosure in physical or electronic form;
- (2) A certified copy of the trust instrument or a certification of the trust under section 456.10-1013;
- (3) A certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust; and
- (4) If requested by the custodian for the purpose of identifying the correct account of the correct user:
  - (a) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the trust's account; or
  - (b) Evidence linking the account to the trust.

472.465. 1. After an opportunity for a hearing under Missouri conservatorship law, the court may grant a conservator access to the digital assets of a protected person.

2. Unless otherwise ordered by the court or directed by the user, a custodian shall disclose to a conservator the catalogue of electronic communications sent or received by a protected person and any digital assets, other than the content of electronic communications, in which the protected person has a right or interest if the conservator gives the custodian:

- (1) A written request for disclosure in physical or electronic form;
- (2) A certified copy of the court order that gives the conservator authority over the digital assets of the protected person; and
- (3) If requested by the custodian for the purpose of identifying the correct account of the correct user:
  - (a) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the account of the protected person; or
  - (b) Evidence linking the account to the protected person.

3. A conservator with general authority to manage the assets of a protected person may request a custodian of the digital assets of the protected person to suspend or terminate an account of the protected person for good cause. A request made under this subsection shall be accompanied by a certified copy of the court order giving the conservator authority over the protected person's property.

472.470. 1. The legal duties imposed on a fiduciary charged with managing tangible property apply to the management of digital assets, including:

- (1) The duty of care;
  - (2) The duty of loyalty; and
  - (3) The duty of confidentiality.
2. A fiduciary's or designated recipient's authority with respect to a digital asset of a user:
- (1) Except as otherwise provided in section 472.415, is subject to the applicable terms-of-service agreement;
  - (2) Is subject to other applicable law, including copyright law;
  - (3) In the case of a fiduciary, is limited by the scope of the fiduciary's duties; and
  - (4) May not be used to impersonate the user.
3. A fiduciary with authority over the property of a decedent, protected person, principal, or settlor has the right to access any digital asset in which the decedent, protected person, principal, or settlor had a right or interest and that is not held by a custodian or subject to a terms-of-service agreement.
4. A fiduciary acting within the scope of the fiduciary's duties is an authorized user of the property of the decedent, protected person, principal, or settlor for the purpose of applicable computer-fraud and unauthorized-computer-access laws, including Missouri law on unauthorized computer access.



5. A fiduciary with authority over the tangible, personal property of a decedent, protected person, principal, or settlor:

(1) Has the right to access the property and any digital asset stored in it; and  
(2) Is an authorized user for the purpose of computer-fraud and unauthorized-computer-access laws, including Missouri law on unauthorized computer access.

6. A custodian may disclose information in an account to a fiduciary of the user when the information is required to terminate an account used to access digital assets licensed to the user.

7. A fiduciary of a user may request a custodian to terminate the user's account. A request for termination shall be in writing, in either physical or electronic form, and accompanied by:

(1) If the user is deceased, a certified copy of the death certificate of the user;  
(2) A certified copy of the letter of testamentary or letters of administration of the representative or a certified copy of the certificate of clerk in connection with a small-estate affidavit or court order, power of attorney, or trust giving the fiduciary authority over the account; and  
(3) If requested by the custodian for the purpose of identifying the correct account of the correct user:  
(a) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;  
(b) Evidence linking the account to the user; or  
(c) A finding by the court that the user had a specific account with the custodian, identifiable by the information specified in paragraph (a) of this subdivision.

472.475. 1. Not later than sixty days after receipt of the information required under sections 472.430 to 472.470, a custodian shall comply with a request under sections 472.400 to 472.490 from a fiduciary or designated recipient to disclose digital assets or terminate an account. If the custodian fails to comply, the fiduciary or designated recipient may apply to the court for an order directing compliance.

2. An order under subsection 1 of this section directing compliance shall contain a finding that compliance is not in violation of 18 U.S.C. Section 2702, as amended.

3. A custodian may notify the user that a request for disclosure or to terminate an account was made under sections 472.400 to 472.490.

4. A custodian may deny a request under sections 472.400 to 472.490 from a fiduciary or designated recipient for disclosure of digital assets or to terminate an account if the custodian is aware of any lawful access to the account following the receipt of the fiduciary's request.

5. Sections 472.400 to 472.490 do not limit a custodian's ability to obtain or require a fiduciary or designated recipient requesting disclosure or termination under such sections to obtain a court order which:

(1) Specifies that an account belongs to the protected person or principal;  
(2) Specifies that there is sufficient consent from the protected person or principal to support the requested disclosure; and  
(3) Contains a finding required by law other than as provided under sections 472.400 to 472.490.

6. A custodian and its officers, employees, and agents are immune from liability for an act or omission done in good faith in compliance with sections 472.400 to 472.490.

472.480. In applying and construing sections 472.400 to 472.490, consideration may be given to the need to promote uniformity of the law with respect to its subject matter among states that enact similar provisions.

472.485. Sections 472.400 to 472.490 modify, limit, or supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but do not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

472.490. If any provision of sections 472.400 to 472.490 or the application of such sections to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of sections 472.400 to 472.490 which can be given effect without the invalid provision or application, and to this end the provisions of sections 472.400 to 472.490 are severable.

**475.084. If a guardian has been appointed for a minor under the provisions of subdivision (2) of subsection 4 of section 475.030, then a parent of the minor may petition the court for periods of visitation. The court may order visitation if visitation is in the best interest of the child.";** and

Further amend said bill and page, Section 478.463, Line 9, by inserting immediately after said section and line the following:

"479.020. 1. Any city, town or village, including those operating under a constitutional or special charter, may, and cities with a population of four hundred thousand or more shall, provide by ordinance or charter for the selection, tenure and compensation of a municipal judge or judges consistent with the provisions of this chapter who shall have original jurisdiction to hear and determine all violations against the ordinances of the municipality. The method of selection of municipal judges shall be provided by charter or ordinance. Each municipal judge shall be selected for a term of not less than two years as provided by charter or ordinance.

2. Except where prohibited by charter or ordinance, the municipal judge may be a part-time judge and may serve as municipal judge in more than one municipality.

3. No person shall serve as a municipal judge of any municipality with a population of seven thousand five hundred or more or of any municipality in a county of the first class with a charter form of government unless the person is licensed to practice law in this state unless, prior to January 2, 1979, such person has served as municipal judge of that same municipality for at least two years.

4. Notwithstanding any other statute, a municipal judge need not be a resident of the municipality or of the circuit in which the municipal judge serves except where ordinance or charter provides otherwise. Municipal judges shall be residents of Missouri.

5. Judges selected under the provisions of this section shall be municipal judges of the circuit court and shall be divisions of the circuit court of the circuit in which the municipality, or major geographical portion thereof, is located. The judges of these municipal divisions shall be subject to the rules of the circuit court which are not inconsistent with the rules of the supreme court. The presiding judge of the circuit shall have general administrative authority over the judges and court personnel of the municipal divisions within the circuit.

6. No municipal judge shall hold any other office in the municipality which the municipal judge serves as judge. The compensation of any municipal judge and other court personnel shall not be dependent in any way upon the number of cases tried, the number of guilty verdicts reached or the amount of fines imposed or collected.

7. Municipal judges shall be at least twenty-one years of age. No person shall serve as municipal judge after that person has reached that person's seventy-fifth birthday.

8. Within six months after selection for the position, each municipal judge who is not licensed to practice law in this state shall satisfactorily complete the course of instruction for municipal judges prescribed by the supreme court. The state courts administrator shall certify to the supreme court the names of those judges who satisfactorily complete the prescribed course. If a municipal judge fails to complete satisfactorily the prescribed course within six months after the municipal judge's selection as municipal judge, the municipal judge's office shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal judge, nor shall any compensation thereafter be paid to such person for serving as municipal judge.

9. No municipal judge shall serve as a municipal judge in more than five municipalities at one time. **A court that serves more than one municipality shall be treated as a single municipality for purposes of this subsection.**

479.170. 1. If, in the progress of any trial before a municipal judge, it shall appear to the judge that the accused ought to be put upon trial for an offense against the criminal laws of the state and not cognizable before him as municipal judge, he shall immediately stop all further proceedings before him as municipal judge and cause the complaint to be made before some associate circuit judge within the county.

2. For purposes of this section, any offense involving the operation of a motor vehicle in an intoxicated condition as defined in section 577.001 shall not be cognizable in municipal court, if the defendant has been convicted, found guilty, or pled guilty to two or more previous intoxication-related traffic offenses as defined in section ~~577.023~~ **577.001**, or has had two or more previous alcohol-related enforcement contacts as defined in section 302.525.

488.029. There shall be assessed and collected a surcharge of one hundred fifty dollars in all criminal cases for any violation of chapter 195 **or chapter 579** in which a crime laboratory makes analysis of a controlled substance, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state or when a criminal proceeding or the defendant has been dismissed by the court. The moneys collected by clerks of the courts

pursuant to the provisions of this section shall be collected and disbursed as provided by sections 488.010 to 488.020. All such moneys shall be payable to the director of revenue, who shall deposit all amounts collected pursuant to this section to the credit of the state forensic laboratory account to be administered by the department of public safety pursuant to section 650.105.

488.2206. 1. In addition to all court fees and costs prescribed by law, a surcharge of up to ten dollars shall be assessed as costs in each court proceeding filed in any court within ~~[the thirty-first judicial circuit]~~ **any judicial circuit composed of a single noncharter county** in all **civil and** criminal cases including violations of any county or municipal ordinance or any violation of a criminal or traffic law of the state, including an infraction, except that no such surcharge shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized, by order, ordinance, or resolution by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized by order, ordinance, or resolution by the municipal government where the violation occurred. Such surcharges shall be collected and disbursed by the clerk of each respective court responsible for collecting court costs in the manner provided by sections 488.010 to 488.020, and shall be payable to the treasurer of the political subdivision authorizing such surcharge, **who shall deposit the funds in a separate account known as the "justice center fund", to be established and maintained by the political subdivision.**

2. Each county or municipality shall use all funds received pursuant to this section only to pay for the costs associated with the land assemblage and purchase, **planning**, construction, maintenance, and operation of any county or municipal judicial facility **or justice center** including, but not limited to, **architectural, engineering, and other plans and studies**, debt service, utilities, maintenance, and building security. The county or municipality shall maintain records identifying ~~[such operating costs, and any moneys not needed for the operating costs of the county or municipal judicial facility shall be transmitted quarterly to the general revenue fund of the county or municipality respectively]~~ **all funds received and expenditures made from their respective center funds.**

488.2250. 1. For all appeal transcripts of testimony given ~~[or proceedings in any circuit court]~~, the court reporter shall receive the sum of three dollars and fifty cents per legal page for the preparation of a paper and an electronic version of the transcript.

2. In criminal cases where an appeal is taken by the defendant and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court reporter shall receive a fee of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

3. Any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings and the court reporter shall receive the sum of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

4. For purposes of this section, a legal page, other than the first page and the final page of the transcript, shall be twenty-five lines, approximately eight and one-half inches by eleven inches in size, with the left-hand margin of approximately one and one-half inches, and with the right-hand margin of approximately one-half inch.

5. Notwithstanding any law to the contrary, the payment of court reporter's fees provided in subsections 2 and 3 of this section shall be made by the state upon a voucher approved by the court. The cost to prepare all other transcripts of testimony or proceedings shall be borne by the party requesting their preparation and production, who shall reimburse the court reporter ~~[the sum provided in subsection 1 of this section]~~.

488.5050. 1. In addition to any other surcharges authorized by statute, the clerk of each court of this state shall collect the surcharges provided for in subsection 2 of this section.

2. A surcharge of thirty dollars shall be assessed as costs in each circuit court proceeding filed within this state in all criminal cases in which the defendant is found guilty of a felony, except when the defendant is found guilty of a class B felony, class A felony, or an unclassified felony, under chapter 195 **or chapter 579**, in which case, the surcharge shall be sixty dollars. A surcharge of fifteen dollars shall be assessed as costs in each court proceeding filed within this state in all other criminal cases, except for traffic violation cases in which the defendant is found guilty of a misdemeanor.

3. Notwithstanding any other provisions of law, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020, and shall be payable to the state treasurer.

4. The state treasurer shall deposit such moneys or other gifts, grants, or moneys received on a monthly basis into the "DNA Profiling Analysis Fund", which is hereby created in the state treasury. The fund shall be administered by the department of public safety. The moneys deposited into the DNA profiling analysis fund shall be used only by the highway patrol crime lab to fulfill the purposes of the DNA profiling system pursuant to section 650.052. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

5. The provisions of subsections 1 and 2 of this section shall expire on August 28, 2019.

513.430. 1. The following property shall be exempt from attachment and execution to the extent of any person's interest therein:

(1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed three thousand dollars in value in the aggregate;

(2) A wedding **or engagement** ring not to exceed one thousand five hundred dollars in value and other jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed five hundred dollars in value in the aggregate;

(3) Any other property of any kind, not to exceed in value ~~[six hundred]~~ **one thousand two hundred** dollars in the aggregate;

(4) Any implements or professional books or tools of the trade of such person or the trade of a dependent of such person not to exceed three thousand dollars in value in the aggregate;

(5) Any motor vehicles, not to exceed three thousand dollars in value in the aggregate;

(6) Any mobile home used as the principal residence but not attached to real property in which the debtor has a fee interest, not to exceed five thousand dollars in value;

(7) Any one or more unmaturred life insurance contracts owned by such person, other than a credit life insurance contract, and up to fifteen thousand dollars of any matured life insurance proceeds for actual funeral, cremation, or burial expenses where the deceased is the spouse, child, or parent of the beneficiary;

(8) The amount of any accrued dividend or interest under, or loan value of, any one or more unmaturred life insurance contracts owned by such person under which the insured is such person or an individual of whom such person is a dependent; provided, however, that if proceedings under Title 11 of the United States Code are commenced by or against such person, the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand dollars in the aggregate less any amount of property of such person transferred by the life insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture insurance option and is required to be so transferred automatically under a life insurance contract with such company or society that was entered into before commencement of such proceedings. No amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such proceedings under any such insurance contract which was purchased by such person within one year prior to the commencement of such proceedings;

(9) Professionally prescribed health aids for such person or a dependent of such person;

(10) Such person's right to receive:

(a) A Social Security benefit, unemployment compensation or a public assistance benefit;

(b) A veteran's benefit;

(c) A disability, illness or unemployment benefit;

(d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars a month;

(e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established pursuant to section 456.014, the person's right to a participant account in any deferred compensation program offered by the state of Missouri or any of its political subdivisions, or annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of such person and any dependent of such person unless:

a. Such plan or contract was established by or under the auspices of an insider that employed such person at the time such person's rights under such plan or contract arose;

b. Such payment is on account of age or length of service; and

c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. Section 401(a), 403(a), 403(b), 408, 408A or 409);

except that, any such payment to any person shall be subject to attachment or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution of marriage or legal separation or a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

(f) Any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan, profit-sharing plan, health savings plan, or similar plan, including an inherited account or plan, that is qualified under Section 401(a), **401(k)**, 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, whether such participant's or beneficiary's interest arises by inheritance, designation, appointment, or otherwise, except as provided in this paragraph **or any type of individual retirement arrangement as defined by Publication 590 of the Internal Revenue Service including, but not limited to, a traditional individual income retirement account (IRA), a ROTH IRA, a SEP IRA, and a simple IRA. The exemption amount for individual retirement arrangements shall be unlimited if allowed by federal law and otherwise limited to the maximum exemption allowed under federal law, including the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, as amended.** Any plan or arrangement described in this paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its department of social services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986, as amended. If proceedings under Title 11 of the United States Code are commenced by or against such person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined in subsection 2 of section 428.024 and for the period such person participated within three years prior to the commencement of such proceedings. For the purposes of this section, when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated as though the funds had never been contributed to the plan, contract, or trust;

(11) The debtor's right to receive, or property that is traceable to, a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;

(12) Firearms, firearm accessories, and ammunition, not to exceed one thousand five hundred dollars in value in the aggregate.

2. Nothing in this section shall be interpreted to exempt from attachment or execution for a valid judicial or administrative order for the payment of child support or maintenance any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal Revenue Code of 1986, as amended.

513.440. Each head of a family may select and hold, exempt from execution, any other property, real, personal or mixed, or debts and wages, not exceeding in value the amount of one thousand ~~two~~ **six** hundred fifty dollars plus ~~three~~ **four** hundred fifty dollars for each of such person's unmarried dependent children under the age of twenty-one years or dependent as defined by the Internal Revenue Code of 1986, as amended, determined to be disabled by the Social Security Administration, except ten percent of any debt, income, salary or wages due such head of a family.

514.040. 1. Except as provided in subsection 3 of this section, if any court shall, before or after the commencement of any suit pending before it, be satisfied that the plaintiff is a poor person, and unable to prosecute his or her suit, and pay all or any portion of the costs and expenses thereof, such court may, in its discretion, permit him or her to commence and prosecute his or her action as a poor person, and thereupon such poor person shall have all necessary process and proceedings as in other cases, without fees, tax or charge as the court determines the person cannot pay; and the court may assign to such person counsel, who, as well as all other officers of the court, shall perform their duties in such suit without fee or reward as the court may excuse; but if judgment is entered for the plaintiff, costs shall be recovered, which shall be collected for the use of the officers of the court.

2. In any civil action brought in a court of this state by any offender convicted of a crime who is confined in any state prison or correctional center, the court shall not reduce the amount required as security for costs upon filing such suit to an amount of less than ten dollars pursuant to this section. This subsection shall not apply to any action for which no sum as security for costs is required to be paid upon filing such suit.

3. Where a party is represented in a civil action by a legal aid society or a legal services or other nonprofit organization funded in whole or substantial part by moneys appropriated by the general assembly of the state of Missouri, which has as its primary purpose the furnishing of legal services to indigent persons, by a law school clinic which has as its primary purpose educating law students through furnishing legal services to indigent persons, or by private counsel working on behalf of or under the auspices of such society, all costs and expenses, **except guardian ad litem fees as provided by this subsection**, related to the prosecution of the suit may be waived without the necessity of a motion and court approval, provided that a determination has been made by such society or organization that such party is unable to pay the costs, fees and expenses necessary to prosecute or defend the action, and that a certification that such determination has been made is filed with the clerk of the court. **In the event an action involving the appointment of a guardian ad litem goes to trial, an updated certification shall be filed prior to the trial commencing. The waiver of guardian ad litem fees for a party who has filed a certification may be reviewed by the court at the conclusion of the action upon the motion of any party requesting the court to apportion guardian ad litem fees.**

4. Any party may present additional evidence on the financial condition of the parties. Based upon that evidence, if the court finds the certifying party has the present ability to pay, the court may enter judgment ordering the certifying party to pay a portion of the guardian ad litem fees.

5. Any failure to pay guardian ad litem fees shall not preclude a certifying party from filing future suits, including motions to modify, and shall not be used as a basis to limit the certifying party's prosecution or defense of the action.

515.575. 1. Except as otherwise ordered by the court, the entry of an order appointing a general receiver shall operate as a stay, applicable to all persons, of:

(1) The commencement or continuation, including the issuance, employment, or service of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the entry of the order of appointment, or to recover a claim against the debtor that arose before the entry of the order of appointment;

(2) The enforcement against the debtor or any estate property of a judgment obtained before the order of appointment;

(3) Any act to obtain possession of estate property from the receiver, or to interfere with, or exercise control over, estate property;

(4) Any act to create, perfect, or enforce any lien or claim against estate property except by exercise of a right of setoff, to the extent that the lien secures a claim against the debtor that arose before the entry of the order of appointment; or

(5) Any act to collect, assess, or recover a claim against the debtor that arose before the entry of the order of appointment.

2. The stay shall automatically expire as to the acts specified in subdivisions (1), (2), and ~~[(3)]~~ (5) of subsection 1 of this section sixty days after the entry of the order of appointment unless before the expiration of the sixty-day period the debtor or receiver, for good cause shown, obtains an order of the court extending the stay, after notice and a hearing. A person whose action or proceeding is stayed by motion to the court may seek relief from the stay for good cause shown. Any judgment obtained against the debtor or estate property following the entry of the order of appointment is not a lien against estate property unless the receivership is terminated prior to a conveyance of the property against which the judgment would otherwise constitute a lien.

3. The entry of an order appointing a receiver does not operate as a stay of:

(1) The commencement or continuation of a criminal proceeding against the debtor;

(2) The commencement or continuation of an action or proceeding to establish paternity, or to establish or modify an order for alimony, maintenance, or support, or to collect alimony, maintenance, or support under any order of a court;

(3) Any act to perfect or to maintain or continue the perfection of an interest in estate property pursuant to any generally applicable Missouri law that permits perfection of an interest in property to be effective against an entity that acquires rights in such property before the date of perfection. Such right to perfect an interest in estate property includes any act to perfect an interest in purchase money collateral pursuant to sections 400.9-301 to 400.9-339, perfection of a lien that may be placed against real property under the provisions of chapter 429, or the

assertion of a right to continue in possession of any estate property that is in the possession of a person entitled to retain possession of such property pending payment for work performed with respect to such property. If perfection of an interest would otherwise require seizure of the property involved or the commencement of an action, the perfection shall instead be accomplished by filing, and by serving upon the receiver, or receiver's counsel, if any, notice of the interest within the time fixed by law for seizure or commencement;

(4) The commencement or continuation of an action or proceeding by a governmental unit to enforce its police or regulatory power;

(5) The enforcement of a judgment, other than a money judgment, obtained in an action or proceeding by a governmental unit to enforce its police or regulatory power, or with respect to any licensure of the debtor;

(6) The exercise of a right of setoff, including but not limited to, any right of a commodity broker, forward contract merchant, stockbroker, financial institution, or securities clearing agency to set off a claim for a margin payment or settlement payment arising out of a commodity contract, forward contract, or securities contract against cash, securities, or other property held or due from the commodity broker, forward contract merchant, stockbroker, financial institution, or securities clearing agency to margin, guarantee, secure, or settle the commodity contract, forward contract, or securities contract, and any right of a swap participant to set off a claim for a payment due to the swap participant under or in connection with a swap agreement against any payment due from the swap participant under or in connection with the swap agreement or against cash, securities, or other property of the debtor held by or due from the swap participant to guarantee, secure, or settle the swap agreement;

(7) The establishment by a governmental unit of any tax liability and any appeal thereof; or

(8) Any action pending in a court other than that in which the receiver is appointed until transcription of the order appointing the receiver or extending the stay is made to the other court in which an action against the debtor is pending.

4. For the purposes of subdivision (8) of subsection 3 of this section, the receiver or any party in interest is authorized to cause to be transcribed any order appointing a receiver or extending the stay to any and all courts in which any action against a debtor is pending in this state. A court that receives a transcript of an order of receivership or extension of stay may on its own order sua sponte transfer the matter before the court to the court issuing an order of receivership.

515.635. To the extent that funds are available in the estate for distribution to creditors in a general receivership, the holder of an allowed noncontingent, liquidated claim is entitled to receive interest at the legal rate or other applicable rate from the date of appointment of the receiver or the date on which the claim became a noncontingent, liquidated claim. If there are ~~sufficient~~ **insufficient** funds in the estate to fully pay all interest owing to all members of the class, then interest shall be paid proportionately to each member of the class.

544.671. Notwithstanding any supreme court rule or judicial ruling to the contrary, no defendant under a sentence of death or imprisonment in the penitentiary for life, or any sentence of imprisonment for a violation of section 579.065, 565.021, ~~565.050~~, **565.052 in which the victim is a law enforcement officer, firefighter, or emergency medical service provider assaulted in the performance of his or her official duties or as a direct result of such official duties**, **565.054 in which the victim is a law enforcement officer, firefighter, or emergency medical service provider assaulted in the performance of his or her official duties or as a direct result of such official duties**, **565.056 in which the victim is a law enforcement officer, firefighter, or emergency medical service provider assaulted in the performance of his or her official duties or as a direct result of such official duties**, section 566.030, **566.031**, 566.032, 566.040 as it existed prior to August 28, 2013, 566.060, **566.061**, 566.062, 566.070 as it existed prior to August 28, 2013, or 566.100, and no defendant who has pled guilty to or been found guilty of any felony sexual offense under chapter 566, where the victim was less than seventeen years of age at the time the crime was committed, any sexual offense under chapter 568, where the victim was less than seventeen years of age at the time the crime was committed, or any pornographic offense involving a minor as set forth in sections 573.023, 573.025, 573.035, and 573.037, and any felony violation of section 573.040, shall be entitled to bail pending appeal after June 29, 1994. Pursuant to the prerogative of the general assembly to declare the public policy of this state in matters regarding criminal liability of persons and to enact laws relating to judicial procedure, the general assembly declares that subsequent to June 29, 1994, no person shall be entitled to bail or continuation of bail pursuant to section 547.170 if that person is under a sentence of death or imprisonment in the penitentiary for life, or any sentence of imprisonment for a violation of section 579.065, 565.021, ~~565.050~~, **565.052 in which the victim is a law enforcement officer, firefighter, or emergency medical service provider**

assaulted in the performance of his or her official duties or as a direct result of such official duties, 565.054 in which the victim is a law enforcement officer, firefighter, or emergency medical service provider assaulted in the performance of his or her official duties or as a direct result of such official duties, 565.056 in which the victim is a law enforcement officer, firefighter, or emergency medical service provider assaulted in the performance of his or her official duties or as a direct result of such official duties, section 566.030, 566.031, 566.032, 566.040 as it existed prior to August 28, 2013, 566.060, 566.061, 566.062, 566.070 as it existed prior to August 28, 2013, or 566.100, ~~and no defendant who~~ or if that person has pled guilty to or been found guilty of any felony sexual offense under chapter 566, where the victim was less than seventeen years of age at the time the crime was committed, any sexual offense under chapter 568, where the victim was less than seventeen years of age at the time the crime was committed, or any pornographic offense involving a minor as set forth in sections 573.023, 573.025, 573.035, and 573.037, and any felony violation of section 573.040.

552.020. 1. No person who as a result of mental disease or defect lacks capacity to understand the proceedings against him **or her** or to assist in his **or her** own defense shall be tried, convicted or sentenced for the commission of an offense so long as the incapacity endures.

2. Whenever any judge has reasonable cause to believe that the accused lacks mental fitness to proceed, ~~he~~ the judge shall, upon his **or her** own motion or upon motion filed by the state or by or on behalf of the accused, by order of record, appoint one or more private psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability or developmental disability or mental illness, who are neither employees nor contractors of the department of mental health for purposes of performing the examination in question, to examine the accused; or shall direct the director to have the accused so examined by one or more psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability, developmental disability, or mental illness. The order shall direct that a written report or reports of such examination be filed with the clerk of the court. No private physician, psychiatrist, or psychologist shall be appointed by the court unless he **or she** has consented to act. The examinations ordered shall be made at such time and place and under such conditions as the court deems proper; except that, if the order directs the director of the department to have the accused examined, the director, or his **or her** designee, shall determine the time, place and conditions under which the examination shall be conducted. The order may include provisions for the interview of witnesses and may require the provision of police reports to the department for use in evaluations. The department shall establish standards and provide training for those individuals performing examinations pursuant to this section and section 552.030. No individual who is employed by or contracts with the department shall be designated to perform an examination pursuant to this chapter unless the individual meets the qualifications so established by the department. Any examination performed pursuant to this subsection shall be completed and filed with the court within sixty days of the order unless the court for good cause orders otherwise. Nothing in this section or section 552.030 shall be construed to permit psychologists to engage in any activity not authorized by chapter 337. One pretrial evaluation shall be provided at no charge to the defendant by the department. All costs of subsequent evaluations shall be assessed to the party requesting the evaluation.

3. A report of the examination made under this section shall include:

- (1) Detailed findings;
- (2) An opinion as to whether the accused has a mental disease or defect;
- (3) An opinion based upon a reasonable degree of medical or psychological certainty as to whether the accused, as a result of a mental disease or defect, lacks capacity to understand the proceedings against him **or her** or to assist in his **or her** own defense;
- (4) A recommendation as to whether the accused should be held in custody in a suitable hospital facility for treatment pending determination, by the court, of mental fitness to proceed; and
- (5) A recommendation as to whether the accused, if found by the court to be mentally fit to proceed, should be detained in such hospital facility pending further proceedings.

4. If the accused has pleaded lack of responsibility due to mental disease or defect or has given the written notice provided in subsection 2 of section 552.030, the court shall order the report of the examination conducted pursuant to this section to include, in addition to the information required in subsection 3 of this section, an opinion as to whether at the time of the alleged criminal conduct the accused, as a result of mental disease or defect, did not know or appreciate the nature, quality, or wrongfulness of his **or her** conduct or as a result of mental disease or defect was incapable of conforming his **or her** conduct to the requirements of law. A plea of not guilty by reason of mental disease or defect shall not be accepted by the court in the absence of any such pretrial evaluation which supports such a defense. In addition, if the accused has pleaded not guilty by reason of mental disease or defect, and



the alleged crime is not a dangerous felony as defined in section 556.061, or those crimes set forth in subsection 11 of section 552.040, or the attempts thereof, the court shall order the report of the examination to include an opinion as to whether or not the accused should be immediately conditionally released by the court pursuant to the provisions of section 552.040 or should be committed to a mental health or developmental disability facility. If such an evaluation is conducted at the direction of the director of the department of mental health, the court shall also order the report of the examination to include an opinion as to the conditions of release which are consistent with the needs of the accused and the interest of public safety, including, but not limited to, the following factors:

- (1) Location and degree of necessary supervision of housing;
- (2) Location of and responsibilities for appropriate psychiatric, rehabilitation and aftercare services, including the frequency of such services;

- (3) Medication follow-up, including necessary testing to monitor medication compliance;

- (4) At least monthly contact with the department's forensic case monitor;

- (5) Any other conditions or supervision as may be warranted by the circumstances of the case.

5. If the report contains the recommendation that the accused should be committed to or held in a suitable hospital facility pending determination of the issue of mental fitness to proceed, and if the accused is not admitted to bail or released on other conditions, the court may order that the accused be committed to or held in a suitable hospital facility pending determination of the issue of mental fitness to proceed.

6. The clerk of the court shall deliver copies of the report to the prosecuting or circuit attorney and to the accused or his **or her** counsel. The report shall not be a public record or open to the public. Within ten days after the filing of the report, both the defendant and the state shall, upon written request, be entitled to an order granting them an examination of the accused by a psychiatrist or psychologist, as defined in section 632.005, or a physician with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability or developmental disability or mental illness, of their own choosing and at their own expense. An examination performed pursuant to this subsection shall be completed and a report filed with the court within sixty days of the date it is received by the department or private psychiatrist, psychologist or physician unless the court, for good cause, orders otherwise. A copy shall be furnished the opposing party.

7. If neither the state nor the accused nor his **or her** counsel requests a second examination relative to fitness to proceed or contests the findings of the report referred to in subsections 2 and 3 of this section, the court may make a determination and finding on the basis of the report filed or may hold a hearing on its own motion. If any such opinion is contested, the court shall hold a hearing on the issue. The court shall determine the issue of mental fitness to proceed and may impanel a jury of six persons to assist in making the determination. The report or reports may be received in evidence at any hearing on the issue but the party contesting any opinion therein shall have the right to summon and to cross-examine the examiner who rendered such opinion and to offer evidence upon the issue.

8. At a hearing on the issue pursuant to subsection 7 of this section, the accused is presumed to have the mental fitness to proceed. The burden of proving that the accused does not have the mental fitness to proceed is by a preponderance of the evidence and the burden of going forward with the evidence is on the party raising the issue. The burden of going forward shall be on the state if the court raises the issue.

9. If the court determines that the accused lacks mental fitness to proceed, the criminal proceedings shall be suspended and the court shall commit him or her to the director of the department of mental health. **After the person has been committed, legal counsel for the department of mental health shall have standing to file motions and participate in hearings on the issue of involuntary medications.**

10. Any person committed pursuant to subsection 9 of this section shall be entitled to the writ of habeas corpus upon proper petition to the court that committed him or her. The issue of the mental fitness to proceed after commitment under subsection 9 of this section may also be raised by a motion filed by the director of the department of mental health or by the state, alleging the mental fitness of the accused to proceed. A report relating to the issue of the accused's mental fitness to proceed may be attached thereto. If the motion is not contested by the accused or his **or her** counsel or if after a hearing on a motion the court finds the accused mentally fit to proceed, or if he **or she** is ordered discharged from the director's custody upon a habeas corpus hearing, the criminal proceedings shall be resumed.

11. The following provisions shall apply after a commitment as provided in this section:

- (1) Six months after such commitment, the court which ordered the accused committed shall order an examination by the head of the facility in which the accused is committed, or a qualified designee, to ascertain whether the accused is mentally fit to proceed and if not, whether there is a substantial probability that the accused will attain the mental fitness to proceed to trial in the foreseeable future. The order shall direct that written report or

reports of the examination be filed with the clerk of the court within thirty days and the clerk shall deliver copies to the prosecuting attorney or circuit attorney and to the accused or his **or her** counsel. The report required by this subsection shall conform to the requirements under subsection 3 of this section with the additional requirement that it include an opinion, if the accused lacks mental fitness to proceed, as to whether there is a substantial probability that the accused will attain the mental fitness to proceed in the foreseeable future;

(2) Within ten days after the filing of the report, both the accused and the state shall, upon written request, be entitled to an order granting them an examination of the accused by a psychiatrist or psychologist, as defined in section 632.005, or a physician with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability or developmental disability or mental illness, of their own choosing and at their own expense. An examination performed pursuant to this subdivision shall be completed and filed with the court within thirty days unless the court, for good cause, orders otherwise. A copy shall be furnished to the opposing party;

(3) If neither the state nor the accused nor his **or her** counsel requests a second examination relative to fitness to proceed or contests the findings of the report referred to in subdivision (1) of this subsection, the court may make a determination and finding on the basis of the report filed, or may hold a hearing on its own motion. If any such opinion is contested, the court shall hold a hearing on the issue. The report or reports may be received in evidence at any hearing on the issue but the party contesting any opinion therein relative to fitness to proceed shall have the right to summon and to cross-examine the examiner who rendered such opinion and to offer evidence upon the issue;

(4) If the accused is found mentally fit to proceed, the criminal proceedings shall be resumed;

(5) If it is found that the accused lacks mental fitness to proceed but there is a substantial probability the accused will be mentally fit to proceed in the reasonably foreseeable future, the court shall continue such commitment for a period not longer than six months, after which the court shall reinstitute the proceedings required under subdivision (1) of this subsection;

(6) If it is found that the accused lacks mental fitness to proceed and there is no substantial probability that the accused will be mentally fit to proceed in the reasonably foreseeable future, the court shall dismiss the charges without prejudice and the accused shall be discharged, but only if proper proceedings have been filed under chapter 632 or chapter 475, in which case those sections and no others will be applicable. The probate division of the circuit court shall have concurrent jurisdiction over the accused upon the filing of a proper pleading to determine if the accused shall be involuntarily detained under chapter 632, or to determine if the accused shall be declared incapacitated under chapter 475, and approved for admission by the guardian under section 632.120 or 633.120, to a mental health or developmental disability facility. When such proceedings are filed, the criminal charges shall be dismissed without prejudice if the court finds that the accused is mentally ill and should be committed or that he **or she** is incapacitated and should have a guardian appointed. The period of limitation on prosecuting any criminal offense shall be tolled during the period that the accused lacks mental fitness to proceed.

12. If the question of the accused's mental fitness to proceed was raised after a jury was impaneled to try the issues raised by a plea of not guilty and the court determines that the accused lacks the mental fitness to proceed or orders the accused committed for an examination pursuant to this section, the court may declare a mistrial. Declaration of a mistrial under these circumstances, or dismissal of the charges pursuant to subsection 11 of this section, does not constitute jeopardy, nor does it prohibit the trial, sentencing or execution of the accused for the same offense after he **or she** has been found restored to competency.

13. The result of any examinations made pursuant to this section shall not be a public record or open to the public.

14. No statement made by the accused in the course of any examination or treatment pursuant to this section and no information received by any examiner or other person in the course thereof, whether such examination or treatment was made with or without the consent of the accused or upon his **or her** motion or upon that of others, shall be admitted in evidence against the accused on the issue of guilt in any criminal proceeding then or thereafter pending in any court, state or federal. A finding by the court that the accused is mentally fit to proceed shall in no way prejudice the accused in a defense to the crime charged on the ground that at the time thereof he **or she** was afflicted with a mental disease or defect excluding responsibility, nor shall such finding by the court be introduced in evidence on that issue nor otherwise be brought to the notice of the jury.

557.035. 1. For all violations of **section 565.054 or 565.090**, subdivision (1) of subsection 1 of section 569.100, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the offense or offenses under this section, and the violation is a class D felony.

2. For all violations of section ~~[565.054]~~ **565.056**; ~~[subdivisions (1), (3) and (4) of subsection 1 of section 565.090;]~~ subdivision (1) of subsection 1 of section 569.090; subdivision (1) of subsection 1 of section 569.120;

section 569.140; or section 574.050; which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the offense or offenses under this section, and the violation is a class E felony.

3. The court shall assess punishment in all of the cases in which the state pleads and proves any of the motivating factors listed in this section.

565.050. 1. A person commits the offense of assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to another person.

2. The offense of assault in the first degree is a class B felony unless in the course thereof the person inflicts serious physical injury on the victim, or if the victim of such assault is a special victim, as the term "special victim" is defined under section 565.002, in which case it is a class A felony.

**3. Persons found guilty under this section shall not be eligible for probation or parole if the victim was a law enforcement officer, firefighter, or emergency medical service provider assaulted in the performance of his or her official duties or as a direct result of such official duties.**

565.052. 1. A person commits the offense of assault in the second degree if he or she:

(1) Attempts to kill or knowingly causes or attempts to cause serious physical injury to another person under the influence of sudden passion arising out of adequate cause; or

(2) Attempts to cause or knowingly causes physical injury to another person by means of a deadly weapon or dangerous instrument; or

(3) Recklessly causes serious physical injury to another person; or

(4) Recklessly causes physical injury to another person by means of discharge of a firearm.

2. The defendant shall have the burden of injecting the issue of influence of sudden passion arising from adequate cause under subdivision (1) of subsection 1 of this section.

3. The offense of assault in the second degree is a class D felony, unless the victim of such assault is a special victim, as the term "special victim" is defined under section 565.002, in which case it is a class B felony.

**4. Persons found guilty under this section shall not be eligible for probation or parole if the victim was a law enforcement officer, firefighter, or emergency medical service provider assaulted in the performance of his or her official duties or as a direct result of such official duties.**

565.054. 1. A person commits the offense of assault in the third degree if he or she knowingly causes physical injury to another person.

2. The offense of assault in the third degree is a class E felony, unless the victim of such assault is a special victim, as the term "special victim" is defined under section 565.002, in which case it is a class D felony.

**3. Persons found guilty under this section shall not be eligible for probation or parole if the victim was a law enforcement officer, firefighter, or emergency medical service provider assaulted in the performance of his or her official duties or as a direct result of such official duties.**

565.056. 1. A person commits the offense of assault in the fourth degree if:

(1) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to another person;

(2) With criminal negligence the person causes physical injury to another person by means of a firearm;

(3) The person purposely places another person in apprehension of immediate physical injury;

(4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person;

(5) The person knowingly causes or attempts to cause physical contact with a person with a disability, which a reasonable person, who does not have a disability, would consider offensive or provocative; or

(6) The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative.

2. Except as provided in subsection 3 of this section, assault in the fourth degree is a class A misdemeanor.

3. Violation of the provisions of subdivision (3) or (6) of subsection 1 of this section is a class C misdemeanor unless the victim is a special victim, as the term "special victim" is defined under section 565.002, in which case a violation of such provisions is a class A misdemeanor.

**4. Persons found guilty under this section shall not be eligible for probation or parole if the victim was a law enforcement officer, firefighter, or emergency medical service provider assaulted in the performance of his or her official duties or as a direct result of such official duties.**

565.076. 1. A person commits the offense of domestic assault in the fourth degree if the act involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and:

(1) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim;

(2) With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument;

(3) The person purposely places such domestic victim in apprehension of immediate physical injury by any means;

(4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim;

(5) The person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or

(6) The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.

2. The offense of domestic assault in the fourth degree is a class A misdemeanor, unless the person has previously been found guilty of the offense of **domestic assault** ~~[of a domestic victim]~~, **of any assault offense under this chapter, or of any offense against a domestic victim committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which if committed in this state two or more times[-] would be a violation of this section**, in which case it is a class E felony. The offenses described in this subsection may be against the same domestic victim or against different domestic victims.

565.091. 1. A person commits the offense of harassment in the second degree if he or she, without good cause, engages in any act with the purpose to cause emotional distress to another person.

2. The offense of harassment in the second degree is a class A misdemeanor, **unless the person has previously pleaded guilty to or been found guilty of a violation of this section, of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which if committed in this state would be chargeable or indictable as a violation of any offense listed in this subsection, in which case it is a class E felony.**

**3. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of violations of federal, state, county, or municipal law.**

566.010. As used in this chapter and chapter 568, the following terms mean:

(1) "Aggravated sexual offense", any sexual offense, in the course of which, the actor:

(a) Inflicts serious physical injury on the victim; ~~[or]~~

(b) Displays a deadly weapon or dangerous instrument in a threatening manner; ~~[or]~~

(c) Subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person; ~~[or]~~

(d) Had previously been found guilty of an offense under this chapter or under section 573.200, child used in sexual performance; section 573.205, promoting sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography; or section 573.040, furnishing pornographic materials to minors; or has previously been found guilty of an offense in another jurisdiction which would constitute an offense under this chapter or said sections;

(e) Commits the offense as part of an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity; or

(f) Engages in the act that constitutes the offense with a person the actor knows to be, without regard to legitimacy, the actor's:

a. Ancestor or descendant by blood or adoption;

b. Stepchild while the marriage creating that relationship exists;

c. Brother or sister of the whole or half blood; or

d. Uncle, aunt, nephew, or niece of the whole blood;

(2) "Commercial sex act", any sex act on account of which anything of value is given to or received by any person;

(3) "Deviate sexual intercourse", any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the penis, female genitalia, or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;

(4) "Forced labor", a condition of servitude induced by means of:

(a) Any scheme, plan, or pattern of behavior intended to cause a person to believe that, if the person does not enter into or continue the servitude, such person or another person will suffer substantial bodily harm or physical restraint; or

(b) The abuse or threatened abuse of the legal process;

(5) "Sexual conduct", sexual intercourse, deviate sexual intercourse or sexual contact;

(6) "Sexual contact", any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;

(7) "Sexual intercourse", any penetration, however slight, of the female genitalia by the penis.

**570.095. 1. A person commits the offense of filing false documents if:**

(1) **With the intent to defraud, deceive, harass, alarm, or negatively impact financially, or in such a manner reasonably calculated to deceive, defraud, harass, alarm, or negatively impact financially, he or she files, causes to be filed or recorded, or attempts to file or record, creates, uses as genuine, transfers or has transferred, presents, or prepares with knowledge or belief that it will be filed, presented, recorded, or transferred to the secretary of state or his or her designee, or any county or independent city recorder of deeds or his or her designee, any municipal, county, district, or state government entity, division, agency, or office, or any credit bureau or financial institution any of the following types of documents:**

(a) **Common law lien;**

(b) **Uniform commercial code filing or record;**

(c) **Real property recording;**

(d) **Financing statement;**

(e) **Contract;**

(f) **Warranty, special, or quitclaim deed;**

(g) **Quiet title claim or action;**

(h) **Deed in lieu of foreclosure;**

(i) **Legal affidavit;**

(j) **Legal process;**

(k) **Legal summons;**

(l) **Bills and due bills;**

(m) **Criminal charging documents or materially false criminal charging documents;**

(n) **Any other document not stated in this subdivision that is related to real property; or**

(o) **Any state, county, district, federal, municipal, credit bureau, or financial institution form or document; and**

(2) **Such documents listed in subdivision (1) of this subsection contain materially false information, or are fraudulent, or are a forgery, as defined in section 570.090, or lack the consent of all parties listed in documents where mutual consent is required, or are invalid under Missouri law.**

**2. Filing false documents under this section is a class D felony for the first offense except under the following circumstances where filing false documents is a class C felony:**

(1) **The defendant has been previously found guilty or pleaded guilty to a violation of this section;**

(2) **The victim or named party in the matter:**

(a) **Is an official elected to municipal, county, district, federal, or statewide office;**

(b) **Is an official who was appointed to municipal, county, district, federal, or statewide office; or**

(c) **Is an employee of an official who has been elected or appointed to municipal, county, district, federal, or statewide office;**

(3) **The victim or named party in the matter is a judge or magistrate of:**

- (a) Any court or division of the court in this or any other state or an employee of any court of this state or any other state; or
- (b) Any court system of the United States or is an employee of any court of the United States;
- (4) The victim or named party in the matter is a full-time, part-time, or reserve or auxiliary peace officer, as defined in section 590.010, licensed in this state or any other state;
- (5) The victim or named party in the matter is a full-time, part-time, or volunteer firefighter in this state or any other state;
- (6) The victim or named party in the matter is an officer of federal job class 1811 who is empowered to enforce United States laws;
- (7) The victim or named party in the matter is a law enforcement officer of the United States as defined in 5 U.S.C. 8401(17)(A) or (D);
- (8) The victim or named party in the matter is an employee of any law enforcement or legal prosecution agency in this state or any other state or the United States;
- (9) The victim or named party in the matter is an employee of a federal agency that has agents or officers who are of job class 1811 who are empowered to enforce United States laws or is an employee of a federal agency that has law enforcement officers as defined in 5 U.S.C. 8401(17)(A) or (D);
- (10) The victim or named party in the matter is an officer of the railroad police as defined in section 388.600.

3. For a penalty enhancement as described in subsection 2 of this section to apply, the occupation of the victim or named party shall be material to the subject matter of the document or documents filed or the relief sought by the document or documents filed, and the occupation of the victim or named party shall be materially connected to the apparent reason that the victim has been named, victimized, or involved. For purposes of this subsection and subsection 2 of this section, a person who has retired or resigned from any agency, institution, or occupation listed under subsection 2 of this section shall be considered the same fashion as a person who remains in employment and shall also include the following family members of a person listed under subdivisions (2) to (9) of subsection 2 of this section:

- (1) Such person's spouse;
- (2) Such person or such person's spouse's ancestor or descendant by blood or adoption; or
- (3) Such person's stepchild, while the marriage creating that relationship exists.

4. Any person who pleads guilty or is found guilty under subsections 1 to 3 of this section shall be ordered by the court to make full restitution to any person or entity that has sustained actual losses or costs as a result of the actions of the defendants. Such restitution shall not be paid in lieu of jail or prison time, but rather in addition to any jail or prison time imposed by the court.

5. (1) Nothing in this section shall limit the power of the state to investigate, charge, or punish any person for any conduct that constitutes a crime by any other statute of this state or the United States.

(2) There is no requirement under this section that the filing or record be retained by the receiving entity for prosecution under this section. A filing or record being rejected by the receiving entity shall not be used as an affirmative defense.

6. (1) Any statewide or county agency or similar agency that functions in independent cities of this state, which is responsible for or receives document filings or records, including county recorders of deeds and the secretary of state's office, shall, by January 1, 2018, impose a system in which the documents that have been submitted to the receiving agency or in the case of the secretary of state those filings rejected under its legal authority are logged or noted in a ledger, spreadsheet, or similar recording method if the filing or recording officer or employee believes the filings or records appear to be fraudulent or contain suspicious verbiage. The receiving agency shall make available noted documents for review by the:

- (a) Jurisdictional prosecuting or circuit attorney or his or her designee;
- (b) County sheriff or his or her designee;
- (c) County police chief or his or her designee;
- (d) City police chief or his or her designee in independent cities; or
- (e) Commissioned peace officers as defined in section 590.010.

Review of such documents is permissible for the agent or agencies under this subdivision without the need of a grand jury subpoena or court order. No fees or monetary charges shall be levied on the investigative agents or agencies for review of documents noted in the ledger or spreadsheet. The ledger or spreadsheet and its contents shall be retained by the agency that controls entries into such ledger or spreadsheet for a minimum of three years from the earliest entry listed in the ledger or spreadsheet.

(2) The receiving entity shall, upon receipt of a filing or record that has been noted as a suspicious filing or record, notify the chief law enforcement officer of the county or his or her designee and the prosecutor of the county or his or her designee of the filing's or record's existence. Timely notification shall be made upon receipt of the filing or record. Notification may be accomplished via electronic mail or via paper memorandum.

(3) There shall be no requirement imposed by this section that the agency receiving the filing or record make notification to the person conducting the filing or record that the filing or record has been entered as a logged or noted filing or record.

(4) Reviews to ensure compliance with the provisions of this section shall be the responsibility of any commissioned peace officer; except that, the secretary of state shall be held compliant by the state legislature. Findings of noncompliance shall be reported to the jurisdictional prosecuting or circuit attorney or his or her designee by any commissioned peace officer who has probable cause to believe that the noncompliance has taken place purposely, knowingly, recklessly, or with criminal negligence, as described under section 562.016.

7. To petition for a judicial review of a filing or record that is believed to be fraudulent, false, misleading, forged, or contains materially false information, a petitioner may file a probable cause statement which delineates the cause to believe that the filing or record is materially false, contains materially false information, is a forgery, is fraudulent, or is misleading. This probable cause statement shall be filed in the associate or circuit court of the county in which the original filing or record was transferred, received, or recorded.

8. A filed petition under this section shall have an initial hearing date within twenty business days of the petition being filed with the court. A court ruling of "invalid" shall be evidence that the original filing or record was not accurate, true, or correct. A court ruling of "invalid" shall be retained or recorded at the original receiving entity. The receiving entity shall waive all filing or recording fees associated with the filing or recording of the court ruling document in this subsection. This ruling may be forwarded to credit bureaus or other institutions at the request of the petitioner via motion to the applicable court at no additional cost to the petitioner.

9. If a filing or record is deemed invalid, court costs and fees are the responsibility of the party who originally initiated the filing or record. If the filing or record is deemed valid, no court costs or fees, in addition to standard filing fees, shall be assessed.

575.150. 1. A person commits the offense of resisting or interfering with arrest, detention, or stop if he or she knows or reasonably should know that a law enforcement officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle, and for the purpose of preventing the officer from effecting the arrest, stop or detention, he or she:

(1) Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or

(2) Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.

2. This section applies to:

(1) Arrests, stops, or detentions, with or without warrants;

(2) Arrests, stops, or detentions, for any offense, infraction, or ordinance violation; and

(3) Arrests for warrants issued by a court or a probation and parole officer.

3. A person is presumed to be fleeing a vehicle stop if he or she continues to operate a motor vehicle after he or she has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing him or her.

4. It is no defense to a prosecution pursuant to subsection 1 of this section that the law enforcement officer was acting unlawfully in making the arrest. However, nothing in this section shall be construed to bar civil suits for unlawful arrest.

5. The offense of resisting or interfering with an arrest is a class E felony for an arrest for a:

(1) Felony;

(2) Warrant issued for failure to appear on a felony case; or

(3) Warrant issued for a probation violation on a felony case.

The offense of resisting an arrest, detention or stop in violation of subdivision (1) or (2) of subsection 1 of this section is a class A misdemeanor, unless the person fleeing creates a substantial risk of serious physical injury or death to any person, in which case it is a class E felony.

**6. Persons found guilty under this section shall not be eligible for probation or parole.**

575.280. 1. A person commits the offense of acceding to corruption if he or she:

- (1) Is a judge, juror, special master, referee or arbitrator and knowingly solicits, accepts, or agrees to accept any benefit, direct or indirect, on the representation or understanding that it will influence his or her official action in a judicial proceeding pending in any court or before such official or juror;
- (2) Is a witness or prospective witness in any official proceeding and knowingly solicits, accepts, or agrees to accept any benefit, direct or indirect, on the representation or understanding that he or she will disobey a subpoena or other legal process, absent himself or herself, avoid subpoena or other legal process, withhold evidence, information or documents, or testify falsely.

2. The offense of acceding to corruption under subdivision ~~[(2)]~~ (1) of subsection 1 of this section ~~[is a class A misdemeanor. The offense, when committed under subdivision (1) of subsection 1 of this section,] is a class C felony[; unless the offense is committed in a felony prosecution, or on the representation or understanding of testifying falsely, in which case it is a class E felony].~~ **The offense of acceding to corruption under subdivision (2) of subsection 1 of this section in a felony prosecution or on the representation or understanding of testifying falsely is a class D felony. Otherwise acceding to corruption is a class A misdemeanor.**

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

- (1) "Aggravated offender", a person who has been found guilty of:
  - (a) Three or more intoxication-related traffic offenses committed on separate occasions; or
  - (b) Two or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;
- (2) "Aggravated boating offender", a person who has been found guilty of:
  - (a) Three or more intoxication-related boating offenses; or
  - (b) Two or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;
- (3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, or with a seat designed to carry more than one person, and handlebars for steering control;
- (4) "Court", any circuit, associate circuit, or municipal court, including traffic court, but not any juvenile court or drug court;
- (5) "Chronic offender", a person who has been found guilty of:
  - (a) Four or more intoxication-related traffic offenses committed on separate occasions; or
  - (b) Three or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or
  - (c) Two or more intoxication-related traffic offenses committed on separate occasions where both intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;
- (6) "Chronic boating offender", a person who has been found guilty of:
  - (a) Four or more intoxication-related boating offenses; or
  - (b) Three or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or
  - (c) Two or more intoxication-related boating offenses committed on separate occasions where both intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;



(7) "Continuous alcohol monitoring", automatically testing breath, blood, or transdermal alcohol concentration levels and tampering attempts at least once every hour, regardless of the location of the person who is being monitored, and regularly transmitting the data. Continuous alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of section 217.690;

(8) "Controlled substance", a drug, substance, or immediate precursor in schedules I to V listed in section 195.017;

(9) "Drive", "driving", "operates" or "operating", ~~[means]~~ physically driving or operating a vehicle or vessel;

(10) "Flight crew member", the pilot in command, copilots, flight engineers, and flight navigators;

(11) "Habitual offender", a person who has been found guilty of:

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

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

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

~~— (d) While driving while intoxicated, the defendant acted with criminal negligence to:—~~

~~— a. Cause the death of any person not a passenger in the vehicle operated by the defendant, including the death of an individual that results from the defendant's vehicle leaving a highway, as defined by section 301.010, or the highway's right-of-way; or~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(18) "Persistent offender", a person who has been found guilty of:

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

(b) One intoxication-related traffic offense committed in violation of any state law, county or municipal ordinance, federal offense, or military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(19) "Persistent boating offender", a person who has been found guilty of:

(a) Two or more intoxication-related boating offenses committed on separate occasions; or

(b) One intoxication-related boating offense committed in violation of any state law, county or municipal ordinance, federal offense, or military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

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

(21) "Prior boating offender", a person who has been found guilty of one intoxication-related boating offense, where such prior offense occurred within five years of the occurrence of the intoxication-related boating offense for which the person is charged.

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

2. The offense of driving while intoxicated is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if:

(a) The defendant is a prior offender; or

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

(3) A class E felony if:

(a) The defendant is a persistent offender; or

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

(4) A class D felony if:

(a) The defendant is an aggravated offender;

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

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

(5) A class C felony if:

(a) The defendant is a chronic offender;

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

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

(6) A class B felony if:

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

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

**(c) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of any person not a passenger in the vehicle operated by the defendant, including the death of an individual that results from the defendant's vehicle leaving a highway, as defined in section 301.010, or the highway's right-of-way;**

**(d) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of two or more persons; or**

**(e) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person's blood;**

(7) A class A felony if the defendant ~~[is a habitual offender as a result of being]~~ **has previously been found guilty of an [act described under paragraph (d) of subdivision (11) of section 577.001] offense under paragraphs (a) to (e) of subdivision (6) of this subsection** and is found guilty of a subsequent violation of such ~~[paragraph] paragraphs.~~

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

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

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

4. If a person is found guilty of a second or subsequent offense of driving while intoxicated, the court may order the person to submit to a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day as a condition of probation.

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

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

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

6. A person found guilty of the offense of driving while intoxicated:

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

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

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

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

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

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

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

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

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

(6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day.

**577.011. 1. This section shall be known and may be cited as "Toby's Law".**

**2. In addition to other terms and conditions imposed on a person who has been found guilty of driving while intoxicated under section 577.010, such person shall complete a victim impact program approved by the court. Attendance in such program shall be in person unless there are extraordinary**

**circumstances preventing in-person attendance. Such person shall be responsible for any charges imposed by the victim impact program.**

577.037. 1. Upon the trial of any person for any criminal offense or violations of county or municipal ordinances, or in any license suspension or revocation proceeding pursuant to the provisions of chapter 302, arising out of acts alleged to have been committed by any person while operating a vehicle, vessel, or aircraft, or acting as a flight crew member of any aircraft, while in an intoxicated condition or with an excessive blood alcohol content, the amount of alcohol in the person's blood at the time of the act, as shown by any chemical analysis of the person's blood, breath, saliva, or urine, is admissible in evidence and the provisions of subdivision (5) of section 491.060 shall not prevent the admissibility or introduction of such evidence if otherwise admissible.

2. If a chemical analysis of the defendant's breath, blood, saliva, or urine demonstrates there was eight-hundredths of one percent or more by weight of alcohol in the person's blood, this shall be prima facie evidence that the person was intoxicated at the time the specimen was taken. If a chemical analysis of the defendant's breath, blood, saliva, or urine demonstrates that there was less than eight-hundredths of one percent of alcohol in the defendant's blood, any charge alleging a criminal offense related to the operation of a vehicle, vessel, or aircraft while in an intoxicated condition shall be dismissed with prejudice unless one or more of the following considerations cause the court to find a dismissal unwarranted:

- (1) There is evidence that the chemical analysis is unreliable as evidence of the defendant's intoxication at the time of the alleged violation due to the lapse of time between the alleged violation and the obtaining of the specimen;
- (2) There is evidence that the defendant was under the influence of a controlled substance, or drug, or a combination of either or both with or without alcohol; or
- (3) There is substantial evidence of intoxication from physical observations of witnesses or admissions of the defendant.

3. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or grams of alcohol per two hundred ten liters of breath.

4. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the person was intoxicated.

5. A chemical analysis of a person's breath, blood, saliva or urine, in order to give rise to the presumption or to have the effect provided for in subsection 2 of this section, shall have been performed as provided in sections 577.020 to 577.041 and in accordance with methods and standards approved by the state department of health and senior services.

**6. For any criminal offense, violation of a county or municipal ordinance, or in any license suspension or revocation proceeding under the provisions of chapter 302 arising out of acts alleged to have been committed by any person while operating a vehicle, vessel, or aircraft, or acting as a flight crew member of any aircraft, while in an intoxicated condition or with an excessive blood alcohol content occurring on or between the dates of December 30, 2012, and April 4, 2014, notwithstanding any other provision of law or regulation, a relevant chemical analysis of a person's breath shall be admissible in all proceedings after the effective date of this section if the standard simulator solutions used to verify and calibrate evidential breath analyzers had a vapor concentration within five percent of the following values:**

- (1) One-tenth of one percent;**
- (2) Eight-hundredths of one percent; or**
- (3) Four-hundredths of one percent;**

**and otherwise were in accordance with methods and standards approved by the department of health and senior services. This provision is a procedural rule and applies to all actions in progress whether commenced before or after the effective date of this section. Such chemical breath analysis shall be admissible in all proceedings after the effective date of this section even if the offense occurred before the effective date of this section.**

**7. It is the intent of the legislature to reverse, overturn, and abrogate earlier case law interpretations related to the admissibility of chemical breath analyses to include, but not be limited to, holdings in *Stiers v. Dir. of Revenue*, 477 S.W.3d 611, (Mo. 2016); and *Stiers v. Dir. of Revenue*, ED 101407, 2015 WL 343310 (Mo.App. E.D. Jan. 27, 2015).**

577.060. 1. A person commits the offense of leaving the scene of an accident when:

- (1) Being the operator of a vehicle or a vessel involved in an accident resulting in injury or death or damage to property of another person; and
- (2) Having knowledge of such accident he or she leaves the place of the injury, damage or accident without stopping and giving the following information to the other party or to a law enforcement officer, or if no law enforcement officer is in the vicinity, then to the nearest law enforcement agency:

- (a) His or her name;
- (b) His or her residence, including city and street number;
- (c) The registration or license number for his or her vehicle or vessel; and
- (d) His or her operator's license number, if any.

2. For the purposes of this section, all law enforcement officers shall have jurisdiction, when invited by an injured person, to enter the premises of any privately owned property for the purpose of investigating an accident and performing all necessary duties regarding such accident.

3. The offense of leaving the scene of an accident is:

- (1) A class A misdemeanor; ~~or~~
- (2) A class E felony if:
  - (a) Physical injury was caused to another party; or
  - (b) Damage in excess of one thousand dollars was caused to the property of another person; or
  - (c) The defendant has previously been found guilty of any offense in violation of this section; or

committed in another jurisdiction which, if committed in this state, would be a violation of an offense of this section; **or**

**(3) A class D felony if a death has occurred as a result of the accident.**

4. A law enforcement officer who investigates or receives information of an accident involving an all-terrain vehicle and also involving the loss of life or serious physical injury shall make a written report of the investigation or information received and such additional facts relating to the accident as may come to his or her knowledge, mail the information to the department of public safety, and keep a record thereof in his or her office.

5. The provisions of this section shall not apply to the operation of all-terrain vehicles when property damage is sustained in sanctioned all-terrain vehicle races, derbies and rallies.

**589.664. 1. If an individual is a participant in the Address Confidentiality Program pursuant to section 589.663, no person or entity shall be compelled to disclose the participant's actual address during the discovery phase of or during a proceeding before a court or other tribunal unless the court or tribunal first finds, on the record, that:**

- (1) There is a reasonable belief that the address is needed to obtain information or evidence without which the investigation, prosecution, or litigation cannot proceed; and**
- (2) There is no other practicable way of obtaining the information or evidence.**

**2. The court must first provide the program participant and the secretary of state notice that address disclosure is sought.**

**3. The program participant shall have an opportunity to present evidence regarding the potential harm to the safety of the program participant if the address is disclosed. In determining whether to compel disclosure, the court must consider whether the potential harm to the safety of the participant is outweighed by the interest in disclosure.**

**4. Notwithstanding any other provision in law, no court shall order an individual who has had his or her application accepted by the secretary to disclose his or her actual address or location of his or her residence without giving the secretary proper notice. The secretary shall have the right to intervene in any civil proceeding in which a court is considering a participant to disclose their actual address.**

**5. Disclosure of a participant's actual address under this section shall be limited under the terms of the order to ensure that the disclosure and dissemination of the actual address will be no wider than necessary for the purposes of the investigation, prosecution, or litigation.**

**6. Nothing in this section prevents the court or other tribunal from issuing a protective order to prevent disclosure of information other than the participant's actual address that could reasonably lead to the discovery of the program participant's location.**

589.675. If the secretary deems it appropriate, the secretary ~~shall~~ **may** make a program participant's address and mailing address available for inspection or copying ~~[under the following circumstances:-~~

~~———(1)——] to a person identified in a court order, upon the secretary's receipt of such court order that **complies with section 559.664** [specifically orders the disclosure of a particular program participant's address and mailing address and the reasons stated for the disclosure; or~~

~~———(2) If the certification has been cancelled because the applicant or program participant violated subdivision (2) of section 589.663].~~

595.045. 1. There is established in the state treasury the "Crime Victims' Compensation Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of seven dollars and fifty cents shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031.

2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020 and shall be payable to the director of the department of revenue.

3. The director of revenue shall deposit annually the amount of two hundred fifty thousand dollars to the state forensic laboratory account administered by the department of public safety to provide financial assistance to defray expenses of crime laboratories if such analytical laboratories are registered with the federal Drug Enforcement Agency or the Missouri department of health and senior services. Subject to appropriations made therefor, such funds shall be distributed by the department of public safety to the crime laboratories serving the courts of this state making analysis of a controlled substance or analysis of blood, breath or urine in relation to a court proceeding.

4. The remaining funds collected under subsection 1 of this section shall be denoted to the payment of an annual appropriation for the administrative and operational costs of the office for victims of crime and, if a statewide automated crime victim notification system is established pursuant to section 650.310, to the monthly payment of expenditures actually incurred in the operation of such system. Additional remaining funds shall be subject to the following provisions:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on September 1, 2004, and on the first of each month, the director of revenue or the director's designee shall deposit fifty percent of the balance of funds available to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100.

5. The director of revenue or such director's designee shall at least monthly report the moneys paid pursuant to this section into the crime victims' compensation fund and the services to victims fund to the department of public safety.

6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this section shall be collected and disbursed as provided by sections 488.010 to 488.020. Five percent of such moneys shall be payable to the city treasury of the city from which such funds were collected. The remaining ninety-five percent of such moneys shall be payable to the director of revenue. The funds received by the director of revenue pursuant to this subsection shall be distributed as follows:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on September 1, 2004, and on the first of each month the director of revenue or the director's designee shall deposit fifty percent of the balance of funds available to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100.

7. These funds shall be subject to a biennial audit by the Missouri state auditor. Such audit shall include all records associated with crime victims' compensation funds collected, held or disbursed by any state agency.

8. In addition to the moneys collected pursuant to subsection 1 of this section, the court shall enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C ~~or~~, D, or E felony; and ten dollars upon a plea of guilty or a finding of guilt for any misdemeanor under Missouri law except for those in chapter 252 relating to fish and game, chapter 302 relating to drivers' and commercial drivers' license, chapter 303 relating to motor vehicle financial responsibility, chapter 304 relating to traffic regulations, chapter 306 relating to watercraft regulation and licensing, and chapter 307 relating to vehicle equipment regulations. Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse such crime victims' compensation judgments in the manner provided by sections 488.010 to 488.020. Such funds shall be payable to the state treasury and deposited to the credit of the crime victims' compensation fund.

9. The clerk of the court processing such funds shall maintain records of all dispositions described in subsection 1 of this section and all dispositions where a judgment has been entered against a defendant in favor of the state of Missouri in accordance with this section; all payments made on judgments for alcohol-related traffic offenses; and any judgment or portion of a judgment entered but not collected. These records shall be subject to audit by the state auditor. The clerk of each court transmitting such funds shall report separately the amount of dollars collected on judgments entered for alcohol-related traffic offenses from other crime victims' compensation collections or services to victims collections.

10. The department of revenue shall maintain records of funds transmitted to the crime victims' compensation fund by each reporting court and collections pursuant to subsection 16 of this section and shall maintain separate records of collection for alcohol-related offenses.

11. The state courts administrator shall include in the annual report required by section 476.350 the circuit court caseloads and the number of crime victims' compensation judgments entered.

12. All awards made to injured victims under sections 595.010 to 595.105 and all appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance remaining in the crime victims' compensation fund at the end of each biennium shall not be subject to the provision of section 33.080 requiring the transfer of such unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation fund, then no claim shall be paid until funds have again accumulated in the crime victims' compensation fund. When sufficient funds become available from the fund, awards which have not been paid shall be paid in chronological order with the oldest paid first. In the event an award was to be paid in installments and some remaining installments have not been paid due to a lack of funds, then when funds do become available that award shall be paid in full. All such awards on which installments remain due shall be paid in full in chronological order before any other postdated award shall be paid. Any award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

13. When judgment is entered against a defendant as provided in this section and such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall be entered on the court record. Under no circumstances shall the general revenue fund be used to reimburse court costs or pay for such judgment. The director of the department of corrections shall have the authority to pay into the crime victims' compensation fund from an offender's compensation or account the amount owed by the offender to the crime victims' compensation fund, provided that the offender has failed to pay the amount owed to the fund prior to entering a correctional facility of the department of corrections.

14. All interest earned as a result of investing funds in the crime victims' compensation fund shall be paid into the crime victims' compensation fund and not into the general revenue of this state.

15. Any person who knowingly makes a fraudulent claim or false statement in connection with any claim hereunder is guilty of a class A misdemeanor.

16. The department may receive gifts and contributions for the benefit of crime victims. Such gifts and contributions shall be credited to the crime victims' compensation fund as used solely for compensating victims under the provisions of sections 595.010 to 595.075.

**595.219. 1. In addition to the court's authority to order a defendant to make restitution for the damage or loss caused by his or her offense as provided in section 559.105, the court may enter a judgment of restitution against the offenders convicted of official misconduct in the first or second degrees pursuant to the provisions of this section.**

**2. The court may order the defendant to make restitution to:**

- (1) The victim;**
- (2) Any governmental entity; or**
- (3) A third-party payor, including an insurer that has made payment to the victim to compensate the victim for a property loss or a pecuniary loss.**

**3. Restitution payments to the victim have priority over restitution payments to a third-party payor.**

If the victim has been compensated for the victim's loss by a third-party payor, the court may order restitution payments to the third-party payor in the amount that the third-party payor compensated the victim.

4. Payment of restitution to a victim under this section has priority over payment of restitution to any governmental entity.

5. A restitution hearing to determine the liability of the defendant shall be held not later than thirty days after final disposition of the case and may be extended by the court for good cause. In the restitution hearing, a written statement or bill for medical, dental, hospital, funeral, or burial expenses shall be prima facie evidence that the amount indicated on the written statement or bill represents a fair and reasonable charge for the services or materials provided. The burden of proving that the amount indicated on the written statement or bill is not fair and reasonable shall be on the person challenging the fairness and reasonableness of the amount.

6. A judgment of restitution against a defendant may not be entered unless the defendant has been afforded a reasonable opportunity to be heard and to present appropriate evidence in his or her behalf. The defendant shall be advised of his or her right to obtain counsel for representation at the hearing. A hearing under this section may be held as part of a final disposition hearing for the case.

7. The judgment may be enforced in the same manner as enforcing monetary judgments by the prosecuting attorney on behalf of the victim.

8. A judgment of restitution ordered pursuant to this section against a defendant shall not be a bar to a proceeding against the defendant pursuant to section 537.045 or section 8.150 for the balance of the damages not paid pursuant to this section.

650.520. 1. There is hereby created a statewide program called the "Blue Alert System" referred to in this section as the "system" to aid in the identification, location, and apprehension of any individual or individuals suspected of killing or seriously wounding any local, state, or federal law enforcement officer.

2. For the purposes of this section, "law enforcement officer" means any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States.

3. The department of public safety shall develop regions to provide the system. The department of public safety shall coordinate local law enforcement agencies and public commercial television and radio broadcasters to provide an effective system. In the event that a local law enforcement agency opts not to set up a system and a killing or serious wounding of a law enforcement officer occurs within the jurisdiction, it shall notify the department of public safety who will notify local media in the region.

4. The blue alert system shall include all state agencies capable of providing urgent and timely information to the public together with broadcasters and other private entities that volunteer to participate in the dissemination of urgent public information. At a minimum, the blue alert system shall include the department of public safety, highway patrol, department of transportation, and Missouri lottery.

5. The department of public safety shall have the authority to develop, implement, and manage the blue alert system.

6. Participation in the blue alert system is entirely at the option of local law enforcement agencies, federally licensed radio and television broadcasters, and other private entities that volunteer to participate in the dissemination of urgent public information.

7. Any person who knowingly makes a false report that triggers an alert pursuant to this section is guilty of a class A misdemeanor."; and

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

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

Alferman	Anderson	Andrews	Austin	Barnes 60
Basye	Beard	Bernskoetter	Black	Bondon
Brown 57	Brown 94	Chipman	Christofanelli	Cierpiot
Corlew	Crawford	Cross	Curtman	DeGroot



Dogan	Eggleston	Engler	Evans	Fitzwater 144
Fitzwater 49	Fraker	Francis	Franklin	Frederick
Gannon	Grier	Haahr	Haefner	Hannegan
Hansen	Helms	Henderson	Hill	Houghton
Houx	Hubrecht	Hurst	Johnson	Justus
Kelly 141	Kidd	Korman	Lant	Lauer
Lichtenegger	Love	Lynch	Marshall	Mathews
Matthiesen	McCaherty	McDaniel	McGaugh	Messenger
Moon	Morris	Muntzel	Neely	Pfautsch
Phillips	Pietzman	Pike	Plocher	Pogue
Rehder	Reiboldt	Reisch	Remole	Roerber
Ross	Rowland 155	Ruth	Schroer	Shaul 113
Shull 16	Shumake	Smith 163	Spencer	Stacy
Stephens 128	Swan	Tate	Taylor	Trent
Vescovo	Walker 3	White	Wilson	Wood

NOES: 040

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

PRESENT: 000

ABSENT WITH LEAVE: 027

Bahr	Berry	Brattin	Burns	Conway 10
Conway 104	Cookson	Cornejo	Curtis	Davis
Dohrman	Dunn	Fitzpatrick	Gregory	Higdon
Kelley 127	Kolkmeyer	McGee	Miller	Pierson Jr
Redmon	Rhoads	Roden	Rone	Sommer
Wiemann	Mr. Speaker			

VACANCIES: 001

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

Representative McCann Beatty offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND Senate Committee Substitute No. 2 for Senate Bill No. 128, Page 1, Section A, Line 2, by inserting immediately after said section and line the following:

**"105.713. 1. By no later than September 30, 2017, and the last day of each calendar month thereafter, the attorney general and the commissioner of administration shall submit a report to the general assembly detailing all settlements, judgments, and attorneys' fees paid in the previous month from the state legal expense fund, including:**

**(1) Each individual payment from such fund, delineated by payee, which shall include the case name and number of any settlement payments from such fund;**

- (2) Each individual deposit to such fund, including:
  - (a) The transferring state fund's name and section number authorizing the transfer of such funds;  
and
  - (b) The case name and case number that correspond to any expenses authorized under section 105.711 for which the deposit is being made; and
  - (3) The total amount of expenses from such fund's creation for each case included in the report.
- 2. In cases concerning the legal expenses incurred by the department of transportation, department of conservation, or a public institution that awards baccalaureate degrees, the report required under subsection 1 of this section shall be submitted by the legal counsel provided by the respective entity and by the designated keeper of accounts of the respective entity.

105.714. Any person who obtains a claim or final judgment for a payment to be made out of the state legal expense fund under this section shall not be offered or required to sign any confidentiality agreement stating he or she will not discuss his or her claim or final judgment, or if he or she does discuss such claim or final judgment, he or she will waive any right to moneys obtained under this section. If a confidentiality agreement is offered to a person in violation of this subsection and such agreement is signed, such signed agreement shall be unenforceable."; and

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

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

Representative Barnes (60) offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND Senate Committee Substitute No. 2 for Senate Bill No. 128, Page 1, Section A, Line 2, by inserting immediately after all of said section and line the following:

"144.026. The director of revenue shall not send notice to any taxpayer under subsection 2 of section 144.021 regarding the decision in IBM Corporation v. Director of Revenue, [~~Case No. 94999~~] **491 S.W.3d 535** (Mo. banc 2016) prior to August 28, [~~2017~~] **2018**."; and

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

Speaker Pro Tem Haahr resumed the Chair.

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

*House Amendment No. 1*

*to*

*House Amendment No. 3*

AMEND House Amendment No. 3 to Senate Committee Substitute No. 2 for Senate Bill No. 128, Page 1, Line 6, deleting all of said line and inserting in lieu thereof the following:

[~~"94999~~] **491 S.W.3d 535** (Mo. banc 2016) prior to August 28 [~~2017~~] **2018**.

456.1-103. In sections 456.1-101 to 456.11-1106:

- (1) "Action," with respect to an act of a trustee, includes a failure to act;
- (2) "Ascertainable standard" means a standard relating to an individual's health, education, support, or maintenance within the meaning of Section 2041(b)(1)(A) or Section 2541(c)(1) of the Internal Revenue Code;
- (3) "Beneficiary" means a person that:
  - (a) has a present or future beneficial interest in a trust, vested or contingent; or

- (b) in a capacity other than that of trustee, holds a power of appointment over trust property;
- (4) "Charitable trust" means a trust, or portion of a trust, created for a charitable purpose described in subsection 1 of section 456.4-405;
- (5) "Conservator" means a person described in subdivision (3) of section 475.010. This term does not include a conservator ad litem;
- (6) "Conservator ad litem" means a person appointed by the court pursuant to the provisions of section 475.097;
- (7) **"Directed trust", means any trust, including a split interest trust, where the trust instrument authorizes a trust protector to instruct or direct the trustee or that charges a trust protector with any responsibilities regarding the trust or that grants the trust protector one or more powers over the trust;**
- (8) "Environmental law" means a federal, state, or local law, rule, regulation, or ordinance relating to protection of the environment;
- ~~[(8)]~~ (9) "Financial institution" means a non-foreign bank, savings and loan or trust company chartered, regulated and supervised by the Missouri division of finance, the office of the comptroller of the currency, the office of thrift supervision, the National Credit Union Administration, or the Missouri division of credit union supervision. The term "non-foreign bank" shall mean a bank that is not a foreign bank within the meaning of subdivision (1) of section 361.005;
- ~~[(9)]~~ (10) "Guardian" means a person described in subdivision (7) of section 475.010. The term does not include a guardian ad litem;
- ~~[(10)]~~ (11) "Interested persons" include beneficiaries and any others having a property right in or claim against a trust estate which may be affected by a judicial proceeding. It also includes fiduciaries and other persons representing interested persons. The meaning as it relates to particular persons may vary from time to time and must be determined according to the particular purposes of, and matter involved in, any proceeding;
- ~~[(11)]~~ (12) "Interests of the beneficiaries" means the beneficial interests provided in the terms of the trust;
- ~~[(12)]~~ (13) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as in effect on January 1, 2005, or as later amended;
- ~~[(13)]~~ (14) "Jurisdiction," with respect to a geographic area, includes a state or country;
- ~~[(14)]~~ (15) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government; governmental subdivision, agency, or instrumentality; public corporation, or any other legal or commercial entity;
- ~~[(15)]~~ (16) "Permissible distributee" means a beneficiary who is currently eligible to receive distributions of trust income or principal, whether mandatory or discretionary;
- ~~[(16)]~~ (17) "Power of withdrawal" means a presently exercisable power of a beneficiary to withdraw assets from the trust without the consent of the trustee or any other person;
- ~~[(17)]~~ (18) "Principal place of administration" of a trust is the trustee's usual place of business where the records pertaining to the trust are kept, or the trustee's residence if the trustee has no such place of business, unless otherwise designated by the terms of the trust as provided in section 456.1-108. In the case of cotrustees, the principal place of administration is, in the following order of priority:
  - (a) The usual place of business of the corporate trustee if there is but one corporate cotrustee;
  - (b) The usual place of business or residence of the trustee who is a professional fiduciary if there is but one such trustee and no corporate cotrustee; or
  - (c) The usual place of business or residence of any of the cotrustees;
- ~~[(18)]~~ (19) "Professional fiduciary" means an individual who represents himself or herself to the public as having specialized training, experience or skills in the administration of trusts;
- ~~[(19)]~~ (20) "Property" means anything that may be the subject of ownership, whether real or personal, legal or equitable, or any interest therein;
- ~~[(20)]~~ (21) "Qualified beneficiary" means a beneficiary who, on the date the beneficiary's qualification is determined:
  - (a) is a permissible distributee;
  - (b) would be a permissible distributee if the interests of the permissible distributees described in paragraph (a) of this subdivision terminated on that date; or
  - (c) would be a permissible distributee if the trust terminated on that date;
- ~~[(21)]~~ (22) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

~~[(22)]~~ (23) "Revocable," as applied to a trust, means that the settlor has the legal power to revoke the trust without the consent of the trustee or a person holding an adverse interest, regardless of whether the settlor has the mental capacity to do so in fact;

~~[(23)]~~ (24) "Settlor" means a person, including a testator, who creates, or contributes property to, a trust. If more than one person creates or contributes property to a trust, each person is a settlor of the portion of the trust property attributable to that person's contribution except to the extent another person has the power to revoke or withdraw that portion pursuant to the terms of the trust;

~~[(24)]~~ (25) "Sign" means, with present intent to authenticate or adopt a record:

(a) to execute or adopt a tangible symbol; or

(b) to attach to or logically associate with the record an electronic sound, symbol, or process;

~~[(25)]~~ (26) "Spendthrift provision" means a term of a trust which restrains either the voluntary or involuntary transfer or both the voluntary and involuntary transfer of a beneficiary's interest;

~~[(26)]~~ (27) "State" means 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. The term includes an Indian tribe or band recognized by federal law or formally acknowledged by a state;

~~[(27)]~~ (28) "Terms of a trust" means the manifestation of the settlor's intent regarding a trust's provisions as expressed in the trust instrument or as may be established by other evidence that would be admissible in a judicial proceeding;

~~[(28)]~~ (29) "Trust instrument" means an instrument executed by the settlor that contains terms of the trust, including any amendments thereto;

~~[(29)]~~ (30) **"Trust protector", means any person, group of persons or entity not serving as a trustee and not the settlor or a beneficiary, designated in a trust instrument to instruct or direct the trustee or charged in the trust instrument with any responsibilities regarding the trust or expressly granted in the trust instrument one or more powers over the trust. The term "trust protector" includes but is not limited to persons or entities identified in the trust instrument as trust advisors, trust directors, distribution advisers, or investment advisers;**

(31) "Trustee" includes an original, additional, and successor trustee, and a cotrustee."; and

456.4-420. 1. If a trust instrument containing a no-contest clause is or has become irrevocable, an interested person may file a petition to the court for an interlocutory determination whether a particular motion, petition, or other claim for relief by the interested person would trigger application of the no-contest clause or would otherwise trigger a forfeiture that is enforceable under applicable law and public policy.

2. The petition described in subsection 1 of this section shall be verified under oath. The petition may be filed by an interested person either as a separate judicial proceeding, or brought with other claims for relief in a single judicial proceeding, all in the manner prescribed generally for such proceedings under this chapter. If a petition is joined with other claims for relief, the court shall enter its order or judgment on the petition before proceeding any further with any other claim for relief joined therein. In ruling on such a petition, the court shall consider the text of the clause, the context to the terms of the trust instrument as a whole, and in the context of the verified factual allegations in the petition. No evidence beyond the pleadings and the trust instrument shall be taken except as required to resolve an ambiguity in the no-contest clause.

3. An order or judgment determining a petition described in subsection 1 of this section shall have the effect set forth in subsections 4 and 5 of this section, and shall be subject to appeal as with other final judgments. If the order disposes of fewer than all claims for relief in a judicial proceeding, that order is subject to interlocutory appeal in accordance with the applicable rules for taking such an appeal. If an interlocutory appeal is taken, the court may stay the pending judicial proceeding until final disposition of said appeal on such terms and conditions as the court deems reasonable and proper under the circumstances. A final ruling on the applicability of a no-contest clause shall not preclude any later filing and adjudication of other claims related to the trust.

4. An order or judgment, in whole or in part, on a petition described in subsection 1 of this section shall result in the no-contest clause being enforceable to the extent of the court's ruling, and shall govern application of the no-contest clause to the extent that the interested person then proceeds forward with the claims described therein. In the event such an interlocutory order or judgment is vacated, reversed, or otherwise modified on appeal, no interested person shall be prejudiced by any reliance, through action, inaction, or otherwise, on the order or judgment prior to final disposition of the appeal.

5. An order or judgment shall have effect only as to the specific trust terms and factual basis recited in the petition. If claims are later filed that are materially different than those upon which the order or judgment is based, then to the extent such new claims are raised, the party in whose favor the order or judgment was entered shall have

no protection from enforcement of the no-contest clause otherwise afforded by the order and judgment entered under this section.

6. For purposes of this section, a "no-contest clause" shall mean a provision in a trust instrument purporting to rescind a donative transfer to, or a fiduciary appointment of, any person, or that otherwise effects a forfeiture of some or all of an interested person's beneficial interest in a trust estate as a result of some action taken by the beneficiary. This definition shall not be construed in any way as determining whether a no-contest clause is enforceable under applicable law and public policy in a particular factual situation. As used in this section, the term "no-contest clause" shall also mean an "in terrorem clause".

7. A no-contest clause is not enforceable against an interested person in, but not limited to, the following circumstances:

- (1) Filing a motion, petition, or other claim for relief objecting to the jurisdiction or venue of the court over a proceeding concerning a trust, or over any person joined, or attempted to be joined, in such a proceeding;
- (2) Filing a motion, petition, or other claim for relief concerning an accounting, report, or notice that has or should have been made by a trustee, provided the interested person otherwise has standing to do so under applicable law, including, but not limited to, section 456.6-603;
- (3) Filing a motion, petition, or other claim for relief under chapter 475 concerning the appointment of a guardian or conservator for the settlor;
- (4) Filing a motion, petition, or other claim for relief under chapter 404 concerning the settlor;
- (5) Disclosure to any person of information concerning a trust instrument or that is relevant to a proceeding before the court concerning the trust instrument or property of the trust estate, unless such disclosure is otherwise prohibited by law;
- (6) Filing a motion, pleading, or other claim for relief seeking approval of a nonjudicial settlement agreement concerning a trust instrument, as set forth in section 456.1-111;
- (7) **Filing a motion, pleading, or other claim for relief concerning a breach of trust by a trustee including, but not limited to, a claim under section 456.10-1001. For purposes of this subdivision, "breach of trust" means a trustee's violation of the terms of a trust instrument, a violation of the trustee's general fiduciary obligations, or a trustee's violation of a duty that equity imposes on a trustee;**
- (8) **Filing a motion, pleading, or other claim for relief concerning removal of a trustee including, but not limited to, a claim for removal under section 456.7-706;**
- (9) To the extent a petition under subsection 1 of this section is limited to the procedure and purpose described therein.

8. In any proceeding brought under this section, the court may award costs, expenses, and attorneys' fees to any party, as provided in section 456.10-1004.

456.8-808. 1. While a trust is revocable, the trustee may follow a direction of the settlor that is contrary to the terms of the trust.

2. A trust instrument may provide for ~~the appointment of a trust protector. For purposes of this section, a "trust protector", whether referred to in the trust instrument by that name or by some other name, is a person, other than the settlor, a trustee, or a beneficiary, who is expressly granted in the trust instrument one or more powers over the trust]~~ **one or more persons, not then serving as a trustee and not the settlor or a beneficiary, to be given any powers over the trust as expressly granted in the trust instrument. Any such person may be identified and appointed as a trust protector or similar term. Whenever a trust instrument names, appoints, authorizes, or otherwise designates a trust protector, the trust shall be deemed a directed trust.**

3. A trust protector appointed in the trust instrument shall have only the powers granted to the trust protector by the express terms of the trust instrument, and a trust protector is only authorized to act within the scope of the authority expressly granted in the trust instrument. Without limiting the authority of the settlor to grant powers to a trust protector, the express powers that may be granted include, but are not limited to, the following:

- (1) Remove and appoint a trustee **or a trust protector** or name a successor trustee or trust protector;
- (2) Modify or amend the trust instrument to:
  - (a) Achieve favorable tax status or respond to changes in the Internal Revenue Code or state law, or the rulings and regulations under such code or law;
  - (b) Reflect legal changes that affect trust administration;
  - (c) Correct errors or ambiguities that might otherwise require court construction; or
  - (d) Correct a drafting error that defeats a grantor's intent;

- (3) Increase, decrease, modify, or restrict the interests of the beneficiary or beneficiaries of the trust;
- (4) Terminate the trust in favor of the beneficiary or beneficiaries of the trust;
- (5) Change the applicable law governing the trust and the trust situs; or
- (6) Such other powers as are expressly granted to the trust protector in the trust instrument.

4. Notwithstanding any provision in the trust instrument to the contrary, a trust protector shall have no power to modify a trust to:

(1) Remove a requirement from a trust created to meet the requirements of 42 U.S.C. Section 1396p(d)(4) to pay back a governmental entity for benefits provided to the permissible beneficiary of the trust at the death of that beneficiary; or

(2) Reduce or eliminate an income interest of the income beneficiary of any of the following types of trusts:

(a) A trust for which a marital deduction has been taken for federal tax purposes under Section 2056 or 2523 of the Internal Revenue Code or for state tax purposes under any comparable provision of applicable state law, during the life of the settlor's spouse;

(b) A charitable remainder trust under Section 664 of the Internal Revenue Code, during the life of the noncharitable beneficiary;

(c) A grantor retained annuity trust under Section 2702 of the Internal Revenue Code, during any period in which the settlor is a beneficiary; or

(d) A trust for which an election as a qualified Sub-Chapter S Trust under Section 1361(d) of the Internal Revenue Code is currently in place.

5. Except to the extent otherwise provided in a trust instrument specifically referring to this subsection, the trust protector shall not exercise a power in a way that would result in a taxable gift for federal gift tax purposes or cause the inclusion of any assets of the trust in the trust protector's gross estate for federal estate tax purposes.

6. Except to the extent otherwise provided in the trust instrument and in subsection 7 of this section, and notwithstanding any provision of sections 456.1-101 to 456.11-1106 to the contrary:

(1) A trust protector shall act in a fiduciary capacity in carrying out the powers granted to the trust protector in the trust instrument, and shall have such duties to the beneficiaries, the settlor, or the trust as set forth in the trust instrument; **provided, however, that the trust instrument may provide that the trust protector shall act in a nonfiduciary capacity.** A trust protector is not a trustee, and is not liable or accountable as a trustee when performing or declining to perform the express powers given to the trust protector in the trust instrument. A trust protector is not liable for the acts or omissions of any fiduciary or beneficiary under the trust instrument;

(2) A trust protector is exonerated from any and all liability for the trust protector's acts or omissions, or arising from any exercise or nonexercise of the powers expressly conferred on the trust protector in the trust instrument, unless it is established by a preponderance of the evidence that the acts or omissions of the trust protector were done or omitted in breach of the trust protector's duty, in bad faith or with reckless indifference;

(3) A trust protector is authorized to exercise the express powers granted in the trust instrument at any time and from time to time after the trust protector acquires knowledge of their appointment as trust protector and of the powers granted. **The trust protector may take any action, judicial or otherwise, necessary to carry out the duties given to the trust protector in the trust instrument;**

(4) A trust protector is entitled to receive, from the assets of the trust for which the trust protector is acting, reasonable compensation, and reimbursement of the reasonable costs and expenses incurred, in determining whether to carry out, and in carrying out, the express powers given to the trust protector in the trust instrument;

(5) A trust protector is entitled to receive, from the assets of the trust for which the trust protector is acting, reimbursement of the reasonable costs and expenses, including attorney's fees, of defending any claim made against the trust protector arising from the acts or omissions of the trust protector acting in that capacity unless it is established by clear and convincing evidence that the trust protector was acting in bad faith or with reckless indifference; and

(6) The express powers granted in the trust instrument shall not be exercised by the trust protector for the trust protector's own personal benefit.

7. If a trust protector is granted a power in the trust instrument to direct, consent to, or disapprove a trustee's actual or proposed investment decision, distribution decision, or other decision of the trustee required to be performed under applicable trust law in carrying out the duties of the trustee in administering the trust, then only with respect to such power, excluding the powers identified in subsection 3 of this section, the trust protector shall have the same duties and liabilities as if serving as a trustee under the trust instrument **unless the trust instrument expressly provides otherwise. In carrying out any written directions given to the trustee by the trust protector concerning actual or proposed investment decisions, the trustee shall not be subject to the provisions of sections 469.900 to 469.913. For purposes of this subsection, "investment decisions" means,**

with respect to any investment, decisions to retain, purchase, sell, exchange, tender, or otherwise engage in transactions affecting the ownership of investments or rights therein, and, with respect to nonpublicly traded investments, the valuation thereof.

8. Any trustee of a directed trust shall not be accountable under the law or equity for any act or omission of a trust protector and shall stand absolved from liability for executing the decisions or instructions from a trust protector, or for monitoring the actions or inactions of a trust protector. A trustee shall take reasonable steps to facilitate the activity of a trust protector in a directed trust. A trustee shall carry out the written directions given to the trustee by a trust protector acting within the scope of the powers expressly granted to the trust protector in the trust instrument. Except ~~in cases of bad faith or reckless indifference on the part of the trustee, or~~ as otherwise provided in the trust instrument, the trustee shall not be liable for any loss resulting directly or indirectly from any act taken or omitted as a result of the written direction of the trust protector or the failure of the trust protector to provide consent. Except as otherwise provided in the trust instrument, the trustee shall have no duty to monitor the conduct of the trust protector, provide advice to or consult with the trust protector, or communicate with or warn or apprise any beneficiary concerning instances in which the trustee would or might have exercised the trustee's own discretion in a manner different from the manner directed by the trust protector. **Except as otherwise provided in the trust instrument, any actions taken by the trustee at the trust protector's direction shall be deemed to be administrative actions taken by the trustee solely to allow the trustee to carry out the instructions of the trust protector, and shall not be deemed to constitute an act by the trustee to monitor the trust protector or otherwise participate in actions within the scope of the trust protector's authority.**

9. Except to the extent otherwise expressly provided in the trust instrument, the trust protector shall be entitled to receive information regarding the administration of the trust as follows:

(1) Upon the request of the trust protector, unless unreasonable under the circumstances, the trustee shall promptly provide to the trust protector any and all information related to the trust that may relate to the exercise or nonexercise of a power expressly granted to the trust protector in the trust instrument. The trustee has no obligation to provide any information to the trust protector except to the extent a trust protector requests information under this section;

(2) The request of the trust protector for information under this section shall be with respect to a single trust that is sufficiently identified to enable the trustee to locate the records of the trust; and

(3) If the trustee is bound by any confidentiality restrictions with respect to an asset of a trust, a trust protector who requests information under this section about such asset shall agree to be bound by the confidentiality restrictions that bind the trustee before receiving such information from the trustee.

10. A trust protector may resign by giving thirty days' written notice to the trustee and any successor trust protector. A successor trust protector, if any, shall have all the powers expressly granted in the trust instrument to the resigning trust protector unless such powers are expressly modified for the successor trust protector.

11. A trust protector of a trust having its principal place of administration in this state submits personally to the jurisdiction of the courts of this state during any period that the principal place of administration of the trust is located in this state and the trust protector is serving in such capacity. **The trust instrument may also provide that a trust protector is subject to the personal jurisdiction of the courts of this state as a condition of appointment."**; and"; and

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

On motion of Representative Austin, **House Amendment No. 1 to House Amendment No. 3** was adopted.

Representative Gregory offered **House Amendment No. 2 to House Amendment No. 3.**

*House Amendment No. 2  
to  
House Amendment No. 3*

AMEND House Amendment No. 3 to Senate Committee Substitute No. 2 for Senate Bill No. 128, Page 1, Line 6, by inserting immediately after said line the following:

"Further amend said bill and page, Section 478.463, Line 9, by inserting immediately after said section and line the following:

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

- (1) "Address", a residential street address, school address, or work address of a person, as specified on the person's application to be a program participant;
- (2) "Application assistant", an employee of a state or local agency, or of a nonprofit program that provides counseling, referral, shelter, or other specialized service to **crime** victims ~~[of domestic violence, rape, sexual assault, human trafficking, or stalking]~~ who has been designated by the respective agency or program, and who has been trained and registered by the secretary of state to assist individuals in the completion of program participation applications;
- (3) "Designated address", the address assigned to a program participant by the secretary;
- (4) "Mailing address", an address that is recognized for delivery by the United States Postal Service;
- (5) "Program", the address confidentiality program established in section 589.663;
- (6) "Program participant", a person certified by the secretary of state as eligible to participate in the address confidentiality program;
- (7) "Secretary", the secretary of state;
- (8) **"Victim", a natural person who suffers direct or threatened physical, emotional, or financial harm as the result of the commission or attempted commission of an offense. The term "victim" also includes family members of the victim who are minors or incapacitated; or a family member of a homicide victim;**
- (9) **"Witness", any victim who has been or is expected to be summoned to testify for the prosecution in any felony proceeding regardless of whether any action or proceeding has yet been commenced.**

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

- (1) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person may apply to the secretary to have a designated address assigned by the secretary to serve as the person's address or the address of the minor or incapacitated person;
- (2) The secretary may approve an application only if it is filed with the office of the secretary in the manner established by rule and on a form prescribed by the secretary. A completed application shall contain:
  - (a) The application preparation date, the applicant's signature, and the signature and registration number of the application assistant who assisted the applicant in applying to be a program participant;
  - (b) A designation of the secretary as agent for purposes of service of process and for receipt of first-class mail, legal documents, and certified mail;
  - (c) ~~[A sworn statement by the applicant that the applicant]~~ **Either an application signed by the applicant before an application assistant that the applicant** has good reason to believe that he or she:
    - a. Is a victim ~~[of domestic violence, rape, sexual assault, human trafficking, or stalking]~~; and
    - b. Fears ~~[further violent acts from his or her assailant]~~ **future harm; or**
  - (c) **Has been certified by a prosecuting attorney that the individual is a witness;**
  - (d) The mailing address where the applicant may be contacted by the secretary or a designee and the telephone number or numbers where the applicant may be called by the secretary or the secretary's designee; and
  - (e) One or more addresses that the applicant requests not be disclosed for the reason that disclosure will jeopardize the applicant's safety or increase the risk of violence to the applicant or members of the applicant's household;
- (3) Upon receipt of a properly completed application, the secretary may certify the applicant as a program participant. A program participant is certified for four years following the date of initial certification unless the certification is withdrawn or cancelled before that date. The secretary shall send notification of lapsing certification and a reapplication form to a program participant at least four weeks prior to the expiration of the program participant's certification;
- (4) The secretary shall forward first class mail, legal documents, and certified mail to the appropriate program participants."; and"; and

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



On motion of Representative Gregory, **House Amendment No. 2 to House Amendment No. 3** was adopted.

On motion of Representative Barnes (60), **House Amendment No. 3, as amended**, was adopted.

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

*House Amendment No. 4*

AMEND Senate Committee Substitute No. 2 for Senate Bill No. 128, Page 1, Section 478.463, Line 9, by inserting immediately after said line the following:

"479.020. 1. Any city, town or village, including those operating under a constitutional or special charter, may, and cities with a population of four hundred thousand or more shall, provide by ordinance or charter for the selection, tenure and compensation of a municipal judge or judges consistent with the provisions of this chapter who shall have original jurisdiction to hear and determine all violations against the ordinances of the municipality. The method of selection of municipal judges shall be provided by charter or ordinance. Each municipal judge shall be selected for a term of not less than two years as provided by charter or ordinance.

2. Except where prohibited by charter or ordinance, the municipal judge may be a part-time judge and may serve as municipal judge in more than one municipality.

3. No person shall serve as a municipal judge of any municipality with a population of seven thousand five hundred or more or of any municipality in a county of the first class with a charter form of government unless the person is licensed to practice law in this state unless, prior to January 2, 1979, such person has served as municipal judge of that same municipality for at least two years.

4. Notwithstanding any other statute, a municipal judge need not be a resident of the municipality or of the circuit in which the municipal judge serves except where ordinance or charter provides otherwise. Municipal judges shall be residents of Missouri.

5. Judges selected under the provisions of this section shall be municipal judges of the circuit court and shall be divisions of the circuit court of the circuit in which the municipality, or major geographical portion thereof, is located. The judges of these municipal divisions shall be subject to the rules of the circuit court which are not inconsistent with the rules of the supreme court. The presiding judge of the circuit shall have general administrative authority over the judges and court personnel of the municipal divisions within the circuit.

6. No municipal judge shall hold any other office in the municipality which the municipal judge serves as judge. The compensation of any municipal judge and other court personnel shall not be dependent in any way upon the number of cases tried, the number of guilty verdicts reached or the amount of fines imposed or collected.

7. Municipal judges shall be at least twenty-one years of age. No person shall serve as municipal judge after that person has reached that person's seventy-fifth birthday.

8. Within six months after selection for the position, each municipal judge who is not licensed to practice law in this state shall satisfactorily complete the course of instruction for municipal judges prescribed by the supreme court. The state courts administrator shall certify to the supreme court the names of those judges who satisfactorily complete the prescribed course. If a municipal judge fails to complete satisfactorily the prescribed course within six months after the municipal judge's selection as municipal judge, the municipal judge's office shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal judge, nor shall any compensation thereafter be paid to such person for serving as municipal judge.

9. No municipal judge shall serve as a municipal judge in more than five municipalities at one time. **A court that serves more than one municipality shall be treated as a single municipality for the purposes of this subsection.**

479.353. 1. Notwithstanding any provisions to the contrary, the following conditions shall apply to minor traffic violations and municipal ordinance violations:

- (1) The court shall not assess a fine, if combined with the amount of court costs, totaling in excess of:
  - (a) Two hundred twenty-five dollars for minor traffic violations; and

(b) For municipal ordinance violations committed within a twelve-month period beginning with the first violation: two hundred dollars for the first municipal ordinance violation, two hundred seventy-five dollars for the second municipal ordinance violation, three hundred fifty dollars for the third municipal ordinance violation, and four hundred fifty dollars for the fourth and any subsequent municipal ordinance violations;

(2) The court shall not sentence a person to confinement, except the court may sentence a person to confinement for any violation involving alcohol or controlled substances, violations endangering the health or welfare of others, or eluding or giving false information to a law enforcement officer;

(3) A person shall not be placed in confinement for failure to pay a fine unless such nonpayment violates terms of probation or unless the due process procedures mandated by Missouri supreme court rule 37.65 or its successor rule are strictly followed by the court;

(4) Court costs that apply shall be assessed against the defendant unless the court finds that the defendant is indigent based on standards set forth in determining such by the presiding judge of the circuit. Such standards shall reflect model rules and requirements to be developed by the supreme court; and

(5) No court costs shall be assessed if the defendant is found to be indigent under subdivision (4) of this section or if the case is dismissed.

**2. When an individual has been held in custody on a notice to show cause warrant for an underlying minor traffic violation, the court, on its own motion or on the motion of any interested party, may review the original fine and sentence and waive or reduce such fine or sentence when the court finds it reasonable given the circumstances of the case.**

**479.354. For any notice to appear in court, citation, or summons on a minor traffic violation, the date and time the defendant is to appear in court shall be given when such notice to appear in court, citation, or summons is first provided to the defendant. Failure to provide such date and time shall render such notice to appear in court, citation, or summons void.";** and

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

Representative Mitten offered **House Amendment No. 1 to House Amendment No. 4.**

*House Amendment No. 1  
to  
House Amendment No. 4*

AMEND House Amendment No. 4 to Senate Committee Substitute No. 2 for Senate Bill No. 128, Page 1, Line 22, by deleting all of said line and inserting in lieu thereof the following:

~~"provided in subsection 1 of this section].~~

**570.095. 1. A person commits the offense of filing false documents if:**

**(1) With the intent to defraud, deceive, harass, alarm, or negatively impact financially, or in such a manner reasonably calculated to deceive, defraud, harass, alarm, or negatively impact financially, he or she files, causes to be filed or recorded, or attempts to file or record, creates, uses as genuine, transfers or has transferred, presents, or prepares with knowledge or belief that it will be filed, presented, recorded, or transferred to the secretary of state or his or her designee, or any county or independent city recorder of deeds or his or her designee, any municipal, county, district, or state government entity, division, agency, or office, or any credit bureau or financial institution any of the following types of documents:**

- (a) Common law lien;**
- (b) Uniform commercial code filing or record;**
- (c) Real property recording;**
- (d) Financing statement;**
- (e) Contract;**
- (f) Warranty, special, or quitclaim deed;**
- (g) Quiet title claim or action;**
- (h) Deed in lieu of foreclosure;**
- (i) Legal affidavit;**

- (j) Legal process;
- (k) Legal summons;
- (l) Bills and due bills;
- (m) Criminal charging documents or materially false criminal charging documents;
- (n) Any other document not stated in this subdivision that is related to real property; or
- (o) Any state, county, district, federal, municipal, credit bureau, or financial institution form or document; and

(2) Such documents listed in subdivision (1) of this subsection contain materially false information, or are fraudulent, or are a forgery, as defined in section 570.090, or lack the consent of all parties listed in documents where mutual consent is required, or are invalid under Missouri law.

2. Filing false documents under this section is a class D felony for the first offense except under the following circumstances where filing false documents is a class C felony:

- (1) The defendant has been previously found guilty or pleaded guilty to a violation of this section;
- (2) The victim or named party in the matter:
  - (a) Is an official elected to municipal, county, district, federal, or statewide office;
  - (b) Is an official who was appointed to municipal, county, district, federal, or statewide office; or
  - (c) Is an employee of an official who has been elected or appointed to municipal, county, district, federal, or statewide office;
- (3) The victim or named party in the matter is a judge or magistrate of:
  - (a) Any court or division of the court in this or any other state or an employee of any court of this state or any other state; or
  - (b) Any court system of the United States or is an employee of any court of the United States;
- (4) The victim or named party in the matter is a full-time, part-time, or reserve or auxiliary peace officer, as defined in section 590.010, licensed in this state or any other state;
- (5) The victim or named party in the matter is a full-time, part-time, or volunteer firefighter in this state or any other state;
- (6) The victim or named party in the matter is an officer of federal job class 1811 who is empowered to enforce United States laws;
- (7) The victim or named party in the matter is a law enforcement officer of the United States as defined in 5 U.S.C. 8401(17)(A) or (D);
- (8) The victim or named party in the matter is an employee of any law enforcement or legal prosecution agency in this state or any other state or the United States;
- (9) The victim or named party in the matter is an employee of a federal agency that has agents or officers who are of job class 1811 who are empowered to enforce United States laws or is an employee of a federal agency that has law enforcement officers as defined in 5 U.S.C. 8401(17)(A) or (D);
- (10) The victim or named party in the matter is an officer of the railroad police as defined in section 388.600.

3. For a penalty enhancement as described in subsection 2 of this section to apply, the occupation of the victim or named party shall be material to the subject matter of the document or documents filed or the relief sought by the document or documents filed, and the occupation of the victim or named party shall be materially connected to the apparent reason that the victim has been named, victimized, or involved. For purposes of this subsection and subsection 2 of this section, a person who has retired or resigned from any agency, institution, or occupation listed under subsection 2 of this section shall be considered the same fashion as a person who remains in employment and shall also include the following family members of a person listed under subdivisions (2) to (9) of subsection 2 of this section:

- (1) Such person's spouse;
  - (2) Such person or such person's spouse's ancestor or descendant by blood or adoption; or
  - (3) Such person's stepchild, while the marriage creating that relationship exists.
4. Any person who pleads guilty or is found guilty under subsections 1 to 3 of this section shall be ordered by the court to make full restitution to any person or entity that has sustained actual losses or costs as a result of the actions of the defendants. Such restitution shall not be paid in lieu of jail or prison time, but rather in addition to any jail or prison time imposed by the court.

5. (1) Nothing in this section shall limit the power of the state to investigate, charge, or punish any person for any conduct that constitutes a crime by any other statute of this state or the United States.

(2) There is no requirement under this section that the filing or record be retained by the receiving entity for prosecution under this section. A filing or record being rejected by the receiving entity shall not be used as an affirmative defense.

6. (1) Any statewide or county agency or similar agency that functions in independent cities of this state, which is responsible for or receives document filings or records, including county recorders of deeds and the secretary of state's office, shall, by January 1, 2018, impose a system in which the documents that have been submitted to the receiving agency or in the case of the secretary of state those filings rejected under its legal authority, are logged or noted in a ledger, spreadsheet, or similar recording method if the filing or recording officer or employee believes the filings or records appear to be fraudulent or contain suspicious verbiage. The receiving agency shall make available noted documents for review by the:

- (a) Jurisdictional prosecuting or circuit attorney or his or her designee;
- (b) County sheriff or his or her designee;
- (c) County police chief or his or her designee;
- (d) City police chief or his or her designee in independent cities; or
- (e) Commissioned peace officers as defined in section 590.010.

Review of such documents is permissible for the agent or agencies under this subdivision without the need of a grand jury subpoena or court order. No fees or monetary charges shall be levied on the investigative agents or agencies for review of documents noted in the ledger or spreadsheet. The ledger or spreadsheet and its contents shall be retained by the agency that controls entries into such ledger or spreadsheet for a minimum of three years from the earliest entry listed in the ledger or spreadsheet.

(2) The receiving entity shall, upon receipt of a filing or record that has been noted as a suspicious filing or record, notify the chief law enforcement officer or his or her designee of the county and the prosecutor or his or her designee of the county of the filing's or record's existence. Such notification shall be made within two business days of the filing or record having been received. Notification may be accomplished via electronic mail or via paper memorandum.

(3) There shall be no requirement imposed by this section that the agency receiving the filing or record make notification to the person conducting the filing or record that the filing or record has been entered as a logged or noted filing or record.

(4) Reviews to ensure compliance with the provisions of this section shall be the responsibility of any commissioned peace officer. Findings of noncompliance shall be reported to the jurisdictional prosecuting or circuit attorney or his or her designee by any commissioned peace officer who has probable cause to believe that the noncompliance has taken place purposely, knowingly, recklessly, or with criminal negligence, as described under section 562.016.

7. To petition for a judicial review of a filing or record that is believed to be fraudulent, false, misleading, forged, or contains materially false information, a petitioner may file a probable cause statement which delineates the cause to believe that the filing or record is materially false, contains materially false information, is a forgery, is fraudulent, or is misleading. This probable cause statement shall be filed in the associate or circuit court of the county in which the original filing or record was transferred, received, or recorded.

8. A filed petition under this section shall have an initial hearing date within twenty business days of the petition being filed with the court. A court ruling of "invalid" shall be evidence that the original filing or record was not accurate, true, or correct. A court ruling of "invalid" shall be retained or recorded at the original receiving entity. The receiving entity shall waive all filing or recording fees associated with the filing or recording of the court ruling document in this subsection. This ruling may be forwarded to credit bureaus or other institutions at the request of the petitioner via motion to the applicable court at no additional cost to the petitioner.

9. If a filing or record is deemed invalid, the prevailing party shall be awarded all reasonable costs and fees incurred by that party in the action. If the filing or record is deemed valid, no court costs or fees, in addition to standard filing fees, shall be assessed."; and"; and

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

On motion of Representative Mitten, **House Amendment No. 1 to House Amendment No. 4** was adopted.

Representative Schroer moved the previous question.

Which motion was adopted by the following vote:

AYES: 091

Alferman	Anderson	Andrews	Austin	Barnes 60
Basye	Bernskoetter	Black	Bondon	Brattin
Brown 57	Brown 94	Christofanelli	Cierpiot	Conway 104
Corlew	Cornejo	Crawford	Cross	Curtman
DeGroot	Dogan	Dohrman	Eggleston	Fitzpatrick
Fitzwater 144	Fitzwater 49	Fraker	Francis	Franklin
Frederick	Gannon	Gregory	Grier	Haahr
Haefner	Hannegan	Hansen	Helms	Henderson
Hill	Houghton	Houx	Hubrecht	Hurst
Johnson	Justus	Kelly 141	Kidd	Lant
Lauer	Love	Lynch	Mathews	Matthiesen
McGaugh	Messenger	Moon	Morris	Muntzel
Neely	Pfautsch	Phillips	Pike	Plocher
Pogue	Reisch	Rhoads	Roeber	Rone
Ross	Rowland 155	Ruth	Schroer	Shaul 113
Shull 16	Shumake	Smith 163	Spencer	Stacy
Stephens 128	Swan	Tate	Taylor	Vescovo
Walker 3	White	Wiemann	Wilson	Wood
Mr. Speaker				

NOES: 042

Adams	Anders	Arthur	Bangert	Baringer
Barnes 28	Beck	Brown 27	Burnett	Butler
Carpenter	Conway 10	Ellebracht	Ellington	Franks Jr
Gray	Green	Harris	Kendrick	Lavender
May	McCann Beatty	McCreery	McGee	Meredith 71
Merideth 80	Mitten	Morgan	Mosley	Newman
Nichols	Peters	Quade	Razer	Roberts
Rowland 29	Runions	Smith 85	Stevens 46	Unsicker
Walker 74	Wessels			

PRESENT: 000

ABSENT WITH LEAVE: 029

Bahr	Beard	Berry	Burns	Chipman
Cookson	Curtis	Davis	Dunn	Engler
Evans	Higdon	Kelley 127	Kolkmeier	Korman
Lichtenegger	Marshall	McCaherty	McDaniel	Miller
Pierson Jr	Pietzman	Redmon	Rehder	Reiboldt
Remole	Roden	Sommer	Trent	

VACANCIES: 001

On motion of Representative Plocher, **House Amendment No. 4, as amended**, was adopted.

On motion of Representative Roeber, the title of **SCS#2 SB 128, as amended**, relating to judicial proceedings, was agreed to.

On motion of Representative Roeber, **SCS#2 SB 128, as amended**, was read the third time and passed by the following vote:

AYES: 127

Alferman	Anders	Anderson	Andrews	Arthur
Austin	Bahr	Bangert	Baringer	Barnes 60
Barnes 28	Basye	Beard	Beck	Bernskoetter
Berry	Black	Bondon	Brattin	Brown 27
Brown 94	Butler	Carpenter	Chipman	Christofanelli
Cierpiot	Conway 10	Conway 104	Corlew	Cornejo
Crawford	Cross	Curtman	Davis	DeGroot
Dogan	Dohrman	Eggleston	Ellebracht	Engler
Evans	Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker
Francis	Franklin	Frederick	Gannon	Gray
Gregory	Grier	Haahr	Haefner	Hannegan
Hansen	Harris	Helms	Henderson	Hill
Houghton	Houx	Hubrecht	Johnson	Justus
Kelley 127	Kelly 141	Kendrick	Kidd	Lant
Lauer	Lavender	Lichtenegger	Love	Lynch
Mathews	Matthiesen	May	McCann Beatty	McCreery
McGaugh	McGee	Meredith 71	Messenger	Mitten
Mosley	Muntzel	Neely	Nichols	Peters
Pfautsch	Phillips	Pietzman	Pike	Plocher
Razer	Rehder	Reiboldt	Reisch	Remole
Rhoads	Roberts	Roeber	Rone	Ross
Rowland 155	Rowland 29	Runions	Ruth	Schroer
Shaul 113	Shull 16	Shumake	Smith 163	Sommer
Spencer	Stacy	Swan	Tate	Taylor
Vescovo	Walker 3	Wessels	White	Wiemann
Wilson	Wood			

NOES: 017

Adams	Burnett	Curtis	Franks Jr	Hurst
Marshall	Merideth 80	Moon	Morgan	Newman
Pierson Jr	Pogue	Quade	Smith 85	Stevens 46
Unsicker	Walker 74			

PRESENT: 001

Ellington

ABSENT WITH LEAVE: 017

Brown 57	Burns	Cookson	Dunn	Green
Higdon	Kolkmeier	Korman	McCaherty	McDaniel
Miller	Morris	Redmon	Roden	Stephens 128
Trent	Mr. Speaker			

VACANCIES: 001

Speaker Pro Tem Haahr declared the bill passed.

**HCS SB 30**, relating to authorized powers of political subdivisions, was taken up by Representative Fitzpatrick.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 30, Page 1, Section A, Line 2, by inserting immediately after said section and line the following:

"68.075. 1. This section shall be known and may be cited as the "Advanced Industrial Manufacturing Zones Act".

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

(1) "AIM zone", an area identified through a resolution passed by the port authority board of commissioners appointed under section 68.045 that is being developed or redeveloped for any purpose so long as any infrastructure and building built or improved is in the development area. The port authority board of commissioners shall file an annual report indicating the established AIM zones with the department of revenue;

(2) "**County average wage**", **the average wages in each county as determined by the Missouri department of economic development for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility;**

(3) "New job", the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job. An employee that spends less than fifty percent of the employee's work time at the facility is still considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility's payroll, one hundred percent of the employee's income from such employment is Missouri income, and the employee is paid at or above the [state] county average wage.

3. Any port authority located in this state may establish an AIM zone. Such zone may only include the area within the port authority's jurisdiction, **ownership, or control**, and may include any such area. The port authority shall determine the boundaries for each AIM zone, and more than one AIM zone may exist within the port authority's jurisdiction **or under the port authority's ownership or control, and may be expanded or contracted by resolution of the port authority board of commissioners.**

4. Fifty percent of the state tax withholdings imposed by sections 143.191 to 143.265 on new jobs within such zone after development or redevelopment has commenced shall not be remitted to the general **revenue** fund of the state of Missouri. Such moneys shall be deposited into the port authority AIM zone fund established under subsection 5 of this section for the purpose of continuing to expand, develop, and redevelop AIM zones identified by the port authority board of commissioners and may be used for managerial, engineering, legal, research, promotion, planning, satisfaction of bonds issued under section 68.040, and any other expenses.

5. There is hereby created in the state treasury the "Port Authority AIM Zone Fund", which shall consist of money collected under this section. 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 to the port authorities from which the funds were collected, less the pro-rata portion appropriated by the general assembly to be used solely for the administration of this section which shall not exceed ten percent of the total amount collected within the zones of a port authority. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

6. The port authority shall approve any projects that begin construction and disperse any money collected under this section. The port authority shall submit an annual budget for the funds to the department of economic development explaining how and when such money will be spent.

7. The provision of section 23.253 notwithstanding, no AIM zone may be established after August 28, 2023. Any AIM zone created prior to that date shall continue to exist and be coterminous with the retirement of all

debts incurred under subsection 4 of this section. No debts may be incurred or reauthorized using AIM zone revenue after August 28, 2023."; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 30, Page 5, Section 233.295, Line 105, by inserting after all of said section and line the following:

**"266.600. No political subdivision shall adopt or enforce any ordinance, rule, or regulation relating to the labeling, cultivation, or other use of seed, fertilizers, or soil conditioners as such terms are defined or used in sections 266.021, 266.291, and 266.361, respectively. The provisions of this section shall not apply to any ordinance, rule, or regulation enacted prior to August 28, 2017.";** and

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

On motion of Representative Houghton, **House Amendment No. 2** was adopted by the following vote, the ayes and noes having been demanded pursuant to Article III, Section 26 of the Constitution:

AYES: 096

Alferman	Anderson	Andrews	Austin	Bahr
Barnes 60	Basye	Beard	Bernskoetter	Berry
Black	Bondon	Brown 57	Brown 94	Chipman
Christofanelli	Cierpiot	Conway 104	Cornejo	Crawford
Cross	Curtis	Curtman	Davis	DeGroot
Dogan	Dohrman	Eggleston	Engler	Fitzpatrick
Fitzwater 144	Fitzwater 49	Fraker	Francis	Franklin
Frederick	Gannon	Gregory	Grier	Haahr
Haefner	Hannegan	Hansen	Helms	Henderson
Hill	Houghton	Houx	Hubrecht	Hurst
Johnson	Justus	Kelley 127	Kelly 141	Kidd
Lant	Lauer	Lichtenegger	Love	Lynch
Mathews	McGaugh	Messenger	Morris	Muntzel
Neely	Pfautsch	Phillips	Pike	Plocher
Reiboldt	Reisch	Remole	Rhoads	Roeber
Rone	Ross	Rowland 155	Ruth	Schroer
Shaul 113	Shumake	Smith 163	Sommer	Spencer
Stacy	Stephens 128	Swan	Tate	Taylor
Trent	Vescovo	Walker 3	White	Wilson
Wood				

NOES: 044

Adams	Anders	Arthur	Bangert	Baringer
Barnes 28	Beck	Brown 27	Burnett	Butler
Carpenter	Conway 10	Ellebracht	Ellington	Franks Jr
Gray	Green	Harris	Kendrick	Lavender
Marshall	May	McCann Beatty	McCreery	Meredith 71



Merideth 80	Moon	Morgan	Mosley	Newman
Nichols	Peters	Pierson Jr	Pogue	Quade
Razer	Roberts	Rowland 29	Runions	Smith 85
Stevens 46	Unsicker	Walker 74	Wessels	

PRESENT: 000

ABSENT WITH LEAVE: 022

Brattin	Burns	Cookson	Corlew	Dunn
Evans	Higdon	Kolkmeier	Korman	Matthiesen
McCaherty	McDaniel	McGee	Miller	Mitten
Pietzman	Redmon	Rehder	Roden	Shull 16
Wiemann	Mr. Speaker			

VACANCIES: 001

Representative Fitzwater (49) assumed the Chair.

Representative Rowland (155) offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Bill No. 30, Page 1, Section A, Line 2, by inserting immediately after all of said section and line the following:

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

(1) Any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants;

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

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

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

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

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

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

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

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

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

**(11) Any county of the first classification with more than sixty-five thousand but fewer than seventy-five thousand inhabitants and with a county seat with more than fifteen thousand but fewer than seventeen thousand inhabitants; and**

**(12) Any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants and with a county seat with more than two thousand one hundred but fewer than two thousand four hundred inhabitants.**

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

3. Any ordinance enacted pursuant to this section shall:

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

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

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

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

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

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

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

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

On motion of Representative Rowland (155), **House Amendment No. 3** was adopted.

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

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Bill No. 30, Page 1, Section A, Line 2, by inserting the following after all of said section and line:

"50.622. 1. Any county may amend the annual budget during any fiscal year in which the county receives additional funds, and such amount or source, including, but not limited to, federal or state grants or private donations, could not be estimated when the budget was adopted. The county shall follow the same procedures as required in sections 50.525 to 50.745 for adoption of the annual budget to amend its budget during a fiscal year.

2. Any county may decrease the annual budget twice during any fiscal year in which the county experiences a verifiable decline in funds of two percent or more, and such amount could not be estimated or anticipated when the budget was adopted, provided that any decrease in appropriations shall not unduly affect any one officeholder. Before any reduction affecting an independently elected officeholder can occur, negotiations shall take place with all officeholders who receive funds from the affected category of funds in an attempt to cover the shortfall. The county shall follow the same procedures as required in sections 50.525 to 50.745 to decrease the annual budget, except that the notice provided for in section 50.600 shall be extended to thirty days for purposes of this subsection. Such notice shall include a published summary of the proposed reductions and an explanation of the shortfall.

3. Any decrease in an appropriation authorized under subsection 2 of this section shall not impact any dedicated fund otherwise provided by law.

4. County commissioners may reduce budgets of departments under their direct supervision and responsibility at any time without the restrictions imposed by this section.

5. Subsections 2, 3, and 4 of this section shall expire on July 1, ~~2016~~ 2027.

6. Notwithstanding the provisions of this section, no charter county shall be restricted from amending its budget under and pursuant to the terms of its charter.

54.040. ~~[+]~~ Except in a county with a charter form of government, a candidate for county treasurer shall be at least twenty-one years of age and a resident of the state of Missouri and the county in which he or she is a candidate for at least one year prior to the date of the general election for such office. The candidate shall also be a registered voter and shall be current in the payment of all personal and real estate taxes. Upon election to such office, the person shall continue to reside in that county during his or her tenure in office. Each candidate for county treasurer shall also provide to the election authority a copy of a signed affidavit from a surety company authorized to do business in this state indicating that the candidate meets the bond requirements for the office of county treasurer under this chapter.

~~[2. No sheriff, marshal, clerk or collector, or the deputy of any such officer, shall be eligible to the office of treasurer of any county.]; and~~

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

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

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

#### *House Amendment No. 5*

AMEND House Committee Substitute for Senate Bill No. 30, Page 1, Section A, Line 2, by inserting immediately after said section and line the following:

"67.505. 1. Any county may, by a majority vote of its governing body, impose a county sales tax, in conjunction with a property tax reduction for each year in which the sales tax is imposed, for the benefit of such county in accordance with the provisions of sections 67.500 to 67.545; provided, however, that no ordinance or order enacted pursuant to the authority granted by the provisions of sections 67.500 to 67.545 shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax and reduce property taxes under the provisions of sections 67.500 to 67.545.

2. The ballot of submission shall contain, but need not be limited to, the following language:  
Shall the county of (county's name) impose a countywide sales tax of (insert amount) and reduce its total property tax levy annually by (insert amount) percent of the total amount of sales tax revenue collected in the same tax year?

☐ YES

☐ NO

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

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the sales tax and reduce the property tax as herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax and reduce the property tax under the provisions of sections 67.500 to 67.545 and such proposal is approved by a majority of the qualified voters voting thereon.

3. The sales tax may be imposed at a rate of one-fourth of one percent, three-eighths of one percent or one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525. Each year in which a sales tax is imposed under the provisions of sections 67.500 to 67.545, the county shall, after determining its budget, excluding funds required to be set aside and placed to the credit of special road districts, within the limits set by the constitution and laws of this state for the following calendar year and the total property tax levy needed to raise the revenues required by such budget, reduce that total property tax levy in an amount sufficient to decrease the total property taxes it will collect by an amount equal to one of the following:

(1) Fifty percent of the sales tax revenue collected in the tax year for which the property taxes are being levied;  
 (2) Sixty percent of the sales tax revenue collected in the tax year for which the property taxes are being levied;  
 (3) Seventy percent of the sales tax revenue collected in the tax year for which the property taxes are being levied;

(4) Eighty percent of the sales tax revenue collected in the tax year for which the property taxes are being levied;  
 (5) Ninety percent of the sales tax revenue collected in the tax year for which the property taxes are being levied;  
 (6) One hundred percent of the sales tax revenue collected in the tax year for which the property taxes are being levied;

provided that, in the event that in the immediately preceding year a county actually collected more or less sales tax revenue than the amount determined under subdivision (4) of section 67.500, the county shall adjust its total property tax levy for the current year to reflect such increase or decrease.

**4. No county in this state shall impose a tax under this section for the purpose of funding in whole or in part the construction, operation, or maintenance of any zoological activities, zoological facilities, zoological organizations, the metropolitan zoological park and museum district as created under section 184.350, or any zoological boards.**

67.547. 1. In addition to the tax authorized by section 67.505, any county **as defined in section 67.750** may, by a majority vote of its governing body, impose an additional county sales tax on all sales which are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales tax allowed by law; except that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose such tax.

2. The ballot of submission shall contain, but need not be limited to the following language:  
 Shall the county of ..... (county's name) impose a countywide sales tax of ..... (insert rate) percent **for the purpose of .....(insert purpose)?**

☐ YES

☐ NO

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

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the sales tax as herein authorized unless and until the governing body of the county submits another proposal to authorize the governing body of the county to impose the sales tax under the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon. **A county shall not submit to the voters a proposed sales tax under this section for a period of two years from the date of an election in which the county previously submitted to the voters a proposed sales tax under this section, regardless of whether the**

**initial proposed sales tax was approved or disapproved by the voters. The revenue collected from the sales tax authorized under this section shall only be used for the purpose approved by voters of the county.**

3. The sales tax may be imposed at a rate of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, or one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax~~[-]~~ if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525. **In any city not within a county or any county described in subsection 5 of this section, no sales tax for the purpose of funding zoological activities and zoological facilities as those terms are defined in section 184.500 shall exceed a rate of one-eighth of one percent unless the sales tax was levied and collected before August 28, 2017. Beginning August 28, 2017, no county shall submit to the voters any proposal that results in a combined rate of sales taxes adopted under this section in excess of one percent.**

4. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

5. In any first class county having a charter form of government and having a population of nine hundred thousand or more, the proceeds of the sales tax authorized by this section shall be distributed so that an amount equal to three-eighths of the proceeds of the tax shall be distributed to the county and the remaining five-eighths shall be distributed to the cities, towns and villages and the unincorporated area of the county on the ratio that the population of each bears to the total population of the county. **Three-eighths of the tax rate adopted by such a county shall be included in the calculation of the county's one percent combined tax rate ceiling provided in subsection 3 of this section.** The population of each city, town or village and the unincorporated area of the county and the total population of the county shall be determined on the basis of the most recent federal decennial census. **The provisions of this subsection shall not apply if the revenue collected is used to support zoological activities of the zoological subdistrict as defined under section 184.352.**

6. Except as prohibited under section 184.353, residents of any county that does not adopt a sales tax under this section for the purpose of supporting zoological activities may be charged an admission fee for zoological facilities, programs, or events that are not part of the zoological subdistrict defined under subsection 15 of section 184.352 as of August 28, 2017.

7. In any county of the second classification with more than nineteen thousand seven hundred but fewer than nineteen thousand eight hundred inhabitants, the proceeds of the sales tax authorized by this section shall be distributed so that an amount equal to three-fourths of the proceeds of the tax shall be distributed to the county and the remaining one-fourth shall be distributed equally among the incorporated cities, towns, and villages of the county. Upon request from any city, town, or village within the county, the county shall make available for inspection the distribution report provided to the county by the department of revenue. Any expenses incurred by the county in supplying such report to a city, town, or village shall be paid by such city, town, or village.

~~[7-]~~ 8. In any first class county having a charter form of government and having a population of nine hundred thousand or more, no tax shall be imposed pursuant to this section for the purpose of funding in whole or in part the construction, operation or maintenance of a sports stadium, field house, indoor or outdoor recreational facility, center, playing field, parking facility or anything incidental or necessary to a complex suitable for any type of professional sport or recreation, either upon, above or below the ground.

~~[8-]~~ 9. **No county in this state, other than a county with a charter form of government and with more than nine hundred fifty thousand inhabitants and a city not within a county, shall impose a tax under this section for the purpose of funding in whole or in part the construction, operation, or maintenance of any zoological activities, zoological facilities, zoological organizations, the metropolitan zoological park and museum district as created under section 184.350, or any zoological boards.**

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

**11. No revenue received from a tax for the purpose of funding zoological activities in any county shall be used for the benefit of any entity that has ever been named Grant's Farm or is located at ten thousand five hundred one Gravois Road, Saint Louis, Missouri, or successor address, or to supplant any funding received from the metropolitan zoological park and museum district established under section 184.350.";** and

Further amend said bill, Page 2, Section 88.770, Line 41, by inserting immediately after said section and line the following:

"94.510. 1. Any city may, by a majority vote of its council or governing body, impose a city sales tax for the benefit of such city in accordance with the provisions of sections 94.500 to 94.550; provided, however, that no ordinance enacted pursuant to the authority granted by the provisions of sections 94.500 to 94.550 shall be effective unless the legislative body of the city submits to the voters of the city, at a public election, a proposal to authorize the legislative body of the city to impose a tax under the provisions of sections 94.500 to 94.550. The ballot of submission shall be in substantially the following form:

Shall the city of (insert name of city) impose a city sales tax of (insert rate of percent) percent?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the legislative body of the city shall have no power to impose the tax herein authorized unless and until the legislative body of the city shall again have submitted another proposal to authorize the legislative body of the city to impose the tax under the provisions of sections 94.500 to 94.550, and such proposal is approved by a majority of the qualified voters voting thereon.

2. The sales tax may be imposed at a rate of one-half of one percent, seven-eighths of one percent or one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525; except that, each city not within a county may impose such tax at a rate not to exceed one and three-eighths percent. **Beginning August 28, 2017, no city shall submit to the voters any proposal that results in a combined rate of sales taxes adopted under this section in excess of two percent.**

3. If any city in which a city tax has been imposed in the manner provided for in sections 94.500 to 94.550 shall thereafter change or alter its boundaries, the city clerk of the city shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by the act shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.

4. If any city abolishes the tax authorized under this section, the repeal of such tax shall become effective December thirty-first of the calendar year in which such abolishment was approved. Each city shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by this section 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 such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such city, the director of revenue shall remit the balance in the account to the city and close the account of that city. The director of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.";

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

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

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

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Bill No. 30, Page 1, Section A, Line 2, by inserting the following after all of said line:

"59.800. 1. Beginning on July 1, 2001, notwithstanding any other condition precedent required by law to the recording of any instrument specified in subdivisions (1) and (2) of **subsection 1** of section 59.330, an additional fee of ~~[five]~~ **six** dollars shall be charged and collected by every recorder of deeds in this state on each instrument recorded. The additional fee shall be distributed as follows:

(1) One dollar and twenty-five cents to the recorder's fund established pursuant to subsection 1 of section 59.319, provided, however, that all funds received pursuant to this section shall be used exclusively for the purchase, installation, upgrade and maintenance of modern technology necessary to operate the recorder's office in an efficient manner;

(2) One dollar and seventy-five cents to the county general revenue fund; and

(3) ~~[Two]~~ **Three** dollars to the fund established in subsection 2 of this section.

2. **(1)** There is hereby established a revolving fund known as the "Statutory County Recorder's Fund", which shall receive funds paid to the recorders of deeds of the counties of this state pursuant to subdivision (3) of subsection 1 of this section. The director of the department of revenue shall be custodian of the fund and shall make disbursements from the fund for the purpose of subsidizing the fees collected by counties that hereafter elect or have heretofore elected to separate the offices of clerk of the circuit court and recorder. The subsidy shall consist of the total amount of moneys collected pursuant to subdivisions (1) and (2) of subsection 1 of this section subtracted from fifty-five thousand dollars, **except if the annual average of funds collected under subsection 1 over the previous three-year period is insufficient to meet all obligations calculated in this subdivision and in which case the provisions of subdivision (2) of this subsection shall apply.** The moneys paid to qualifying counties pursuant to this subsection shall be deposited in the county general revenue fund. For purposes of this section a "qualified county" is a county that hereafter elects or has heretofore elected to separate the offices of clerk of the circuit court and recorder and in which the office of the recorder of deeds collects less than fifty-five thousand dollars in fees pursuant to subdivisions (1) and (2) of subsection 1 of this section, on an annual basis. Moneys in the statutory county recorder's fund shall not be considered state funds and shall be deemed nonstate funds.

**(2) If funds collected under subdivision (3) of subsection 1 of this section are insufficient to meet obligations set out in subsection 1 of this section, the department of revenue shall calculate the projected shortfall that would otherwise be incurred using the formula set out above. If the fund balance is greater than the annual average disbursement of the previous three years, then up to thirty-three percent of such excess may be used to meet the obligation. If this amount is insufficient or unavailable, the director of the department of revenue shall set a new requisite amount to determine a qualified county under subdivision (1) of this subsection other than fifty-five thousand dollars, which reflects the revenue collected under subdivision (3) of subsection 1 of this section plus an additional thirty-three percent should the balance exist in the statutory recorder's fund."**; and

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

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

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

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Bill No. 30, Page 2, Section 88.770, Line 41, by inserting the following after all of said section and line:

"229.150. 1. All driveways or crossings over ditches connecting highways with the private property shall be made under the supervision of the **road** overseer or commissioners of the road districts.

2. ~~[Any]~~ No person or persons ~~[who]~~ shall willfully or knowingly obstruct or damage any public road by obstructing the side or cross drainage or ditches thereof, or by turning water upon such road or right-of-way, or by throwing or depositing brush, trees, stumps, logs, or any refuse or debris whatsoever, in said road, or on the sides or in the ditches thereof, or by fencing across or upon the right-of-way of the same, or by planting any hedge or erecting any advertising sign within the lines established for such road, or by changing the location thereof, or shall obstruct **or damage** said road, highway, or drains in any other manner whatsoever ~~[-shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five dollars nor more than two hundred dollars, or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment].~~

3. **Road damage or obstruction shall not constitute violations under this section when farming or ranching lands have been improved using soil and water conservation practices implemented in conformance with the Missouri soil and water conservation program or natural resources conservation service technical standards.**

4. The road overseer of any district, or county highway engineer, who finds any road **damaged or** obstructed as above specified, ~~[shall]~~ **may** notify the ~~[person]~~ **landowner** violating the provisions of this section, ~~[verbally or]~~ in writing, **using any mail service with delivery tracking**, to remove such obstruction, **to repair such damage in a manner approved by the road overseer or county highway engineer making the request, or to pay the reasonable cost of such removal or repair.** ~~[Within ten days after being notified, he shall pay the sum of five dollars for each and every day after the tenth day if such obstruction is maintained or permitted to remain; such fine to be recovered by suit brought by the road overseer, in the name of the road district, in any court of competent jurisdiction]~~ **If the landowner fails to remove any obstruction, make any repairs, or remit any payment of costs as requested within thirty days of the tracked delivery date, the road overseer or county highway engineer may petition the associate circuit court of the county in which the land is located to authorize the overseer or engineer or an agent or employee thereof, to enter the landowner's land to remove the obstruction or to repair the damage, in order to restore the roadway or drainage ditch to a condition substantially the same as the adjacent roadways and drainage ditches. Such entry on the landowner's lands shall be limited to the extent necessary to repair the roadway or drainage ditch, and shall constitute no cause of action for trespass. Such authorization and entry shall not be granted until the opportunity for a hearing has been completed and the petition has been granted. The petition shall include an estimate of the costs.**

5. If the court enters a judgment granting the petition and authorizing the actions requested therein, the judgment shall include an award for the reasonable cost of removal or repair, court costs, and reasonable attorney's fees, and shall become a lien on such lands, and shall be collected as state and county taxes are collected by law. If the court denies the petition, the county shall be responsible for the landowner's court costs and reasonable attorney's fees."; and

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

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

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

#### *House Amendment No. 8*

AMEND House Committee Substitute for Senate Bill No. 30, Page 2, Section 88.770, Line 41, by inserting immediately after said line the following:

"162.492. 1. In all urban districts containing the greater part of the population of a city which has more than three hundred thousand inhabitants, the election authority of the city in which the greater portion of the school district lies, and of the county if the district includes territory not within the city limits, shall serve ex officio as a redistricting commission. The commission shall on or before November 1, 2018, divide the school district into five subdistricts, all subdistricts being of compact and contiguous territory and as nearly equal in the number of inhabitants as practicable and thereafter the board shall redistrict the district into subdivisions as soon as practicable after each United States decennial census. In establishing the subdistricts each member shall have one vote and a majority vote of the total membership of the commission is required to make effective any action of the commission.



2. School elections for the election of directors shall be held on municipal election days in 2014 and 2016. At the election in 2014, directors shall be elected to hold office until 2019 and until their successors are elected and qualified. At the election in 2016, directors shall be elected until 2019 and until their successors are elected and qualified. Beginning in 2019, school elections for the election of directors shall be held on the local election date as specified in the charter of a home rule city with more than four hundred thousand inhabitants and located in more than one county. Beginning at the election for school directors in 2019, the number of directors on the board shall be reduced from nine to seven. Two directors shall be at-large directors and five directors shall represent the subdistricts, with one director from each of the subdistricts. ~~[Directors shall serve a four-year term]~~ **At the 2019 election, one of the at-large directors and the directors from subdistricts one, three, and five shall be elected for a two-year term, and the other at-large director and the directors from subdistricts two and four shall be elected for a four-year term. Thereafter, all seven directors shall serve a four-year term.** Directors shall serve until the next election and until their successors, then elected, are duly qualified as provided in this section. In addition to other qualifications prescribed by law, each member elected from a subdistrict shall be a resident of the subdistrict from which he or she is elected. The subdistricts shall be numbered from one to five. ~~[Each voter may vote for two candidates for at-large director and the two receiving the largest number of votes cast shall be elected.]~~

3. The five candidates, one from each of the subdistricts, who receive a plurality of the votes cast by the voters of that subdistrict and the at-large candidates receiving a plurality of the at-large votes shall be elected. The name of no candidate for nomination shall be printed on the ballot unless the candidate has at least sixty days prior to the election filed a declaration of candidacy with the secretary of the board of directors containing the signatures of at least two hundred fifty registered voters who are residents of the subdistrict within which the candidate for nomination to a subdistrict office resides, and in case of at-large candidates the signatures of at least five hundred registered voters. The election authority shall determine the validity of all signatures on declarations of candidacy.

4. In any election either for at-large candidates or candidates elected by the voters of subdistricts, if there are more than two candidates, a majority of the votes are not required to elect but the candidate having a plurality of the votes ~~[if there is only one office to be filled and the candidates having the highest number of votes, if more than one office is to be filled,]~~ shall be elected.

5. The names of all candidates shall appear upon the ballot without party designation and in the order of the priority of the times of filing their petitions of nomination. No candidate may file both at large and from a subdistrict and the names of all candidates shall appear only once on the ballot, nor may any candidate file more than one declaration of candidacy. All declarations shall designate the candidate's residence and whether the candidate is filing at large or from a subdistrict and the numerical designation of the subdistrict or at-large area.

6. The provisions of all sections relating to seven-director school districts shall also apply to and govern urban districts in cities of more than three hundred thousand inhabitants, to the extent applicable and not in conflict with the provisions of those sections specifically relating to such urban districts.

7. Vacancies which occur on the school board between the dates of election shall be filled by special election if such vacancy happens more than six months prior to the time of holding an election as provided in subsection 2 of this section. The state board of education shall order a special election to fill such a vacancy. A letter from the commissioner of education, delivered by certified mail to the election authority or authorities that would normally conduct an election for school board members shall be the authority for the election authority or authorities to proceed with election procedures. If a vacancy occurs less than six months prior to the time of holding an election as provided in subsection 2 of this section, no special election shall occur and the vacancy shall be filled at the next election day on which local elections are held as specified in the charter of any home rule city with more than four hundred thousand inhabitants and located in more than one county."; and

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

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

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

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Bill No. 30, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"67.990. 1. The governing body of any county or city not within a county may, upon approval of a majority of the qualified voters of such county or city voting thereon, levy and collect a tax not to exceed five cents per one hundred dollars of assessed valuation, or in any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants, the governing body may, upon approval of a majority of the qualified voters of the county voting thereon, levy and collect a tax not to exceed ten cents per one hundred dollars of assessed valuation upon all taxable property within the county or city or for the purpose of providing services to persons sixty years of age or older. The tax so levied shall be collected along with other county or city taxes, in the manner provided by law. All funds collected for this purpose shall be deposited in a special fund for the provision of services for persons sixty years of age or older, and shall be used for no other purpose except those purposes authorized in sections 67.990 to 67.995. Deposits in the fund shall be expended only upon approval of the board of directors established in section 67.993 and only in accordance with the fund budget approved by the county ~~or city governing body~~. **In a city not within a county, deposits in the fund shall be expended only in accordance with the budget approved by the board established in section 67.993.**

2. The question of whether the tax authorized by this section shall be imposed shall be submitted in substantially the following form:

OFFICIAL BALLOT

Shall ..... (name of county/city) levy a tax of ..... cents per each one hundred dollars assessed valuation for the purpose of providing services to persons sixty years of age or older?

☐ YES

☐ NO

67.993. 1. Upon the approval of the tax authorized by section 67.990 by the voters of the county or city not within a county, the tax so approved shall be imposed upon all taxable property within the county or city and the proceeds therefrom shall be deposited in a special fund, to be known as the "Senior Citizens' Services Fund", which is hereby established within the county ~~or city~~ treasury. **In a city not within a county, the proceeds shall be deposited with the board established by law to administer such funds, which shall be known as the "Senior Citizen Services Fund" to accomplish the purposes set out herein and for no other purpose.** No moneys in the senior citizens' services fund shall be spent until the board of directors provided for in subsection 2 of this section has been appointed and has taken office.

2. Upon approval of the tax authorized by section 67.990 by the voters of the county or city, the governing body of the county or the mayor of the city shall appoint a board of directors consisting of seven directors, who shall be selected from the county or city at large and shall, as nearly as practicable, represent the various groups to be served by the board **and the demography of the political subdivision served**. Each director shall be a resident of the county or city. Each director shall be appointed to serve for a term of four years and until his successor is duly appointed and qualified; except that, of the directors first appointed, one director shall be appointed for a term of one year, two directors shall be appointed for a term of two years, two directors shall be appointed for a term of three years, and two directors shall be appointed for a term of four years. Directors may be reappointed. All vacancies on the board of directors shall be filled for the remainder of the unexpired term by the governing body of the county or mayor of the city. The directors shall not receive any compensation for their services, but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties from the moneys in the senior citizens' services fund.

3. The administrative control and management of the funds in the senior citizens' services fund and all programs to be funded therefrom shall rest solely with the board of directors appointed under subsection 2 of this section; except that, the budget for the senior citizens' services fund shall be approved by the governing body of the county ~~or city~~ prior to making of any payments from the fund in any fiscal year. **In a city not within a county, such fund shall be administered by and expended only upon approval by a board of directors established under this section.** The board of directors shall use the funds in the senior citizens' services fund to provide programs which will improve the health, nutrition, and quality of life of persons who are sixty years of age or older. The budget may allocate funds for operational and capital needs to senior-related programs in the county or city in which such property taxes are collected. No funds in the senior citizens' services fund may be used, directly or indirectly, for any political purpose. In providing such services, the board of directors may contract with any person to provide services relating, in whole or in part, to the services which the board itself may provide under this section, and for such purpose may expend the tax proceeds derived from the tax authorized by section 67.990.

4. The board of directors shall elect a chairman, vice chairman, and such other officers as it deems necessary; shall establish eligibility requirements for the programs it furnishes; and shall do all other things necessary to carry out the purposes of sections 67.990 to 67.995. A majority of the board of directors shall constitute a quorum.

5. The board of directors, with the approval of the governing body of the county [~~or city~~], may accept any gift of property or money for the use and benefit of the persons to be served through the programs established and funded under sections 67.990 to 67.995, and may sell or exchange any such property so long as such sale or exchange is in the best interests of the programs provided under sections 67.990 to 67.995 and the proceeds from such sale or exchange are used exclusively to fund such programs. **In a city not within a county, the board of directors may solicit, accept, and expend grants from private or public entities and enter into agreements to effectuate such grants so long as the transaction is in the best interests of the programs provided by the board and the proceeds are used exclusively to fund such programs."**; and

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

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

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Alferman	Anderson	Andrews	Austin	Bahr
Barnes 60	Basye	Beard	Bernskoetter	Berry
Black	Bondon	Brattin	Brown 57	Brown 94
Chipman	Christofanelli	Cierpiot	Corlew	Cornejo
Crawford	Cross	Curtman	DeGroot	Dogan
Dohrman	Eggleston	Engler	Evans	Fitzpatrick
Fitzwater 144	Fitzwater 49	Fraker	Francis	Franklin
Frederick	Gannon	Gregory	Grier	Haahr
Haefner	Hannegan	Hansen	Henderson	Hill
Houghton	Houx	Hubrecht	Hurst	Johnson
Justus	Kelley 127	Kelly 141	Kidd	Korman
Lant	Lauer	Love	Lynch	Marshall
Mathews	Matthiesen	McGaugh	Messenger	Moon
Morris	Muntzel	Neely	Pfautsch	Phillips
Pietzman	Pike	Pogue	Rehder	Reiboldt
Reisch	Remole	Rhoads	Roeber	Rone
Ross	Rowland 155	Ruth	Schroer	Shaul 113
Shull 16	Shumake	Smith 163	Stacy	Stephens 128
Swan	Tate	Taylor	Trent	Vescovo
Walker 3	White	Wiemann	Wood	

NOES: 041

Adams	Anders	Arthur	Bangert	Baringer
Barnes 28	Beck	Brown 27	Burnett	Butler
Carpenter	Ellebracht	Ellington	Franks Jr	Gray
Green	Harris	Kendrick	Lavender	May
McCann Beatty	McCreery	Meredith 71	Merideth 80	Morgan
Mosley	Newman	Nichols	Peters	Pierson Jr
Quade	Razer	Roberts	Rowland 29	Runions
Smith 85	Spencer	Stevens 46	Unsicker	Walker 74
Wessels				

PRESENT: 000

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ABSENT WITH LEAVE: 022

Burns	Conway 10	Conway 104	Cookson	Curtis
Davis	Dunn	Helms	Higdon	Kolkmeier
Lichtenegger	McCaherty	McDaniel	McGee	Miller
Mitten	Plocher	Redmon	Roden	Sommer
Wilson	Mr. Speaker			

VACANCIES: 001

On motion of Representative Fitzpatrick, the title of **HCS SB 30, as amended**, was agreed to.

On motion of Representative Fitzpatrick, **HCS SB 30, as amended**, was adopted.

On motion of Representative Fitzpatrick, **HCS SB 30, as amended**, was read the third time and passed by the following vote:

AYES: 093

Adams	Alferman	Anders	Andrews	Austin
Bangert	Baringer	Barnes 60	Basye	Beard
Bernskoetter	Black	Bondon	Brown 57	Cierpiot
Conway 104	Corlew	Crawford	Cross	Davis
DeGroot	Dogan	Dohrman	Eggleston	Ellebracht
Engler	Evans	Fitzpatrick	Fitzwater 144	Fitzwater 49
Francis	Franklin	Gannon	Green	Gregory
Haahr	Haefner	Hannegan	Hansen	Henderson
Hill	Houghton	Houx	Justus	Kelley 127
Kelly 141	Kidd	Korman	Lant	Lauer
Lavender	Lichtenegger	Love	Lynch	Matthiesen
May	McCaherty	McGaugh	Messenger	Morris
Muntzel	Nichols	Pfausch	Phillips	Pierson Jr
Pike	Plocher	Razer	Rehder	Reiboldt
Reisch	Rhoads	Roeber	Rone	Rowland 155
Rowland 29	Runions	Ruth	Shaul 113	Shull 16
Shumake	Smith 163	Sommer	Stephens 128	Swan
Tate	Trent	Vescovo	Walker 3	White
Wiemann	Wood	Mr. Speaker		

NOES: 054

Anderson	Arthur	Bahr	Barnes 28	Beck
Berry	Brattin	Brown 27	Brown 94	Burnett
Butler	Carpenter	Chipman	Christofanelli	Cornejo
Curtis	Curtman	Ellington	Franks Jr	Frederick
Gray	Grier	Harris	Helms	Hubrecht
Hurst	Johnson	Kendrick	Marshall	McCann Beatty
McCreery	Meredith 71	Merideth 80	Moon	Morgan
Mosley	Newman	Peters	Pietzman	Pogue
Quade	Remole	Roberts	Ross	Schroer
Smith 85	Spencer	Stacy	Stevens 46	Taylor
Unsicker	Walker 74	Wessels	Wilson	

PRESENT: 000

ABSENT WITH LEAVE: 015

Burns	Conway 10	Cookson	Dunn	Fraker
Higdon	Kolkmeier	Mathews	McDaniel	McGee
Miller	Mitten	Neely	Redmon	Roden

VACANCIES: 001

Representative Fitzwater (49) declared the bill passed.

**HCS SB 394**, relating to public employee retirement systems, was taken up by Representative Walker (3).

Representative Walker (3) offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 394, Page 1, Section A, Line 7, by inserting after all of said line the following:

"52.290. 1. In all counties except counties having a charter form of government before January 1, 2008, and any city not within a county, the collector shall collect on behalf of the county a fee for the collection of delinquent and back taxes of ~~[seven]~~ **nine** percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax. ~~[Two-sevenths]~~ **Of the nine percent** of the fees collected pursuant to the provisions of this section ~~two-ninths~~ shall be paid into the county general fund, two-~~[sevenths]~~ **ninths** of the fees collected pursuant to the provisions of this section shall be paid into the tax maintenance fund of the county as required by section 52.312, and ~~[three-sevenths]~~ **five-ninths** of the fees collected pursuant to the provisions of this section shall be paid into the county employees' retirement fund created by sections 50.1000 to 50.1200. Notwithstanding provisions of law to the contrary, an authorization for collection of a fee for the collection of delinquent and back taxes in a county's charter, at a rate different than the rate allowed by law, shall control.

2. In all counties having a charter form of government, other than any county adopting a charter form of government after January 1, 2008, and any city not within a county, the collector shall collect on behalf of the county and pay into the county general fund a fee for the collection of delinquent and back taxes of two percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax except that in a county with a charter form of government and with more than two hundred fifty thousand but less than seven hundred thousand inhabitants, the collector shall collect on behalf of the county a fee for the collection of delinquent and back taxes of three percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax. If a county is required by section 52.312 to establish a tax maintenance fund, one-third of the fees collected under this subsection shall be paid into that fund; otherwise, all fees collected under the provisions of this subsection shall be paid into the county general fund.

3. Such county collector may accept credit cards as proper form of payment of outstanding delinquent and back taxes due. No county collector may charge a surcharge for payment by credit card."; and

Further amend said bill, Page 33, Section 105.669, Line 28, by inserting after all of said line the following:

"137.280. 1. Taxpayers' personal property lists, except those of merchants and manufacturers, and except those of railroads, public utilities, pipeline companies or any other person or corporation subject to special statutory requirements, such as chapter 151, who shall return and file their assessments on locally assessed property no later than April first, shall be delivered to the office of the assessor of the county between the first day of January and the first day of March each year and shall be signed and certified by the taxpayer as being a true and complete list or statement of all the taxable tangible personal property. If any person shall fail to deliver the required list to the assessor by the first day of March, the owner of the property which ought to have been listed shall be assessed a penalty added to the tax bill, based on the assessed value of the property that was not reported, as follows:

Assessed Valuation			Penalty
0	-	\$1,000	<del>[\$10.00]</del> <b>\$15.00</b>
\$1,001	-	\$2,000	<del>[\$20.00]</del> <b>\$25.00</b>
\$2,001	-	\$3,000	<del>[\$30.00]</del> <b>\$35.00</b>
\$3,001	-	\$4,000	<del>[\$40.00]</del> <b>\$45.00</b>
\$4,001	-	\$5,000	<del>[\$50.00]</del> <b>\$55.00</b>
\$5,001	-	\$6,000	<del>[\$60.00]</del> <b>\$65.00</b>
\$6,001	-	\$7,000	<del>[\$70.00]</del> <b>\$75.00</b>
\$7,001	-	\$8,000	<del>[\$80.00]</del> <b>\$85.00</b>
\$8,001	-	\$9,000	<del>[\$90.00]</del> <b>\$95.00</b>
\$9,001	and above		<del>[\$100.00]</del> <b>\$105.00</b>

The assessor in any county of the first classification without a charter form of government with a population of one hundred thousand or more inhabitants which contains all or part of a city with a population of three hundred fifty thousand or more inhabitants shall omit assessing the penalty in any case where he **or she** is satisfied the neglect is unavoidable and not willful or falls into one of the following categories. The assessor in all other political subdivisions shall omit assessing the penalty in any case where he **or she** is satisfied the neglect falls into at least one of the following categories:

- (1) The taxpayer is in military service and is outside the state;
- (2) The taxpayer filed timely, but in the wrong county;
- (3) There was a loss of records due to fire or flood;
- (4) The taxpayer can show the list was mailed timely as evidenced by the date of postmark; ~~[or]~~
- (5) The assessor determines that no form for listing personal property was mailed to the taxpayer for that tax year; or
- (6) The neglect occurred as a direct result of the actions or inactions of the county or its employees or contractors.

2. Between March first and April first, the assessor shall send to each taxpayer who was sent an assessment list for the current tax year, and said list was not returned to the assessor, a second notice that statutes require the assessment list be returned immediately. In the event the taxpayer returns the assessment list to the assessor before May first, the penalty described in subsection 1 of this section shall not apply. If said assessment list is not returned before May first by the taxpayer, the penalty shall apply.

3. It shall be the duty of the county commission and assessor to place on the assessment rolls for the year all personal property discovered in the calendar year which was taxable on January first of that year.

**4. If annual waivers exceed forty percent then by February first of each year, the assessor shall transmit to the county employees' retirement fund an electronic or paper copy of the log maintained under subsection 3 of section 50.1020 for the prior calendar year.**

137.345. 1. If any person, corporation, partnership or association neglects or refuses to deliver an itemized statement or list of all the taxable tangible personal property signed and certified by the taxpayer, as required by section 137.340, by the first day of March, ~~they~~ **the taxpayer** shall be assessed a penalty added to the tax bill, based on the assessed value of the property that was not reported, as follows:

Assessed Valuation			Penalty
0	-	\$1,000	<del>[\$10.00]</del> <b>\$15.00</b>
\$1,001	-	\$2,000	<del>[\$20.00]</del> <b>\$25.00</b>
\$2,001	-	\$3,000	<del>[\$30.00]</del> <b>\$35.00</b>
\$3,001	-	\$4,000	<del>[\$40.00]</del> <b>\$45.00</b>
\$4,001	-	\$5,000	<del>[\$50.00]</del> <b>\$55.00</b>
\$5,001	-	\$6,000	<del>[\$60.00]</del> <b>\$65.00</b>
\$6,001	-	\$7,000	<del>[\$70.00]</del> <b>\$75.00</b>
\$7,001	-	\$8,000	<del>[\$80.00]</del> <b>\$85.00</b>
\$8,001	-	\$9,000	<del>[\$90.00]</del> <b>\$95.00</b>
\$9,001	and above		<del>[\$100.00]</del> <b>\$105.00</b>

The assessor in any county of the first classification without a charter form of government with a population of one hundred thousand or more inhabitants which contains all or part of a city with a population of three hundred fifty thousand or more inhabitants shall omit assessing the penalty in any case where he **or she** is satisfied the neglect is

unavoidable and not willful or falls into one of the following categories. The assessor in all other political subdivisions shall omit assessing the penalty in any case where he **or she** is satisfied the neglect falls into at least one of the following categories:

- (1) The taxpayer is in military service and is outside the state;
- (2) The taxpayer filed timely, but in the wrong county;
- (3) There was a loss of records due to fire, theft, fraud or flood;
- (4) The taxpayer can show the list was mailed timely as evidenced by the date of postmark; ~~or~~
- (5) The assessor determines that no form for listing personal property was mailed to the taxpayer for that tax year; or
- (6) The neglect occurred as a direct result of the actions or inactions of the county or its employees or contractors.

2. It shall be the duty of the county commission and assessor to place on the assessment rolls for the year all property discovered in the calendar year which was taxable on January first of that year.

3. Between March first and April first, the assessor shall send to each taxpayer who was sent an assessment list for the current tax year, and said list was not returned to the assessor, a second notice that statutes require that the assessment list be returned immediately. In the event the taxpayer returns the assessment list to the assessor before May first, the penalty described in subsection 1 of this section shall not apply. If said assessment list is not returned before May first by the taxpayer, the penalty shall apply.

4. The assessor, in the absence of the owner failing to deliver a required list of property is not required to furnish to the owner a duplicate of the assessment as made.

5. In every instance where a taxpayer has appealed to the board of equalization or the state tax commission the assessment of the taxpayer's property, real or personal, and that appeal has been successful, then in the next following and all subsequent years the basis upon which the assessor must base future assessments of the subject property shall be the basis established by the successful appeal and any increases must be established from that basis.

140.100. 1. Each tract of land in the back tax book, in addition to the amount of tax delinquent, shall be charged with a penalty of eighteen percent of each year's delinquency except that the penalty on lands redeemed prior to sale shall not exceed two percent per month or fractional part thereof.

2. For making and recording the delinquent land lists, the collector and the clerk shall receive ten cents per tract or lot and the clerk shall receive five cents per tract or lot for comparing and authenticating such list.

**3. In all counties except counties having a charter form of government before January 1, 2008, and any city not within a county, in addition to the amount collected in subsection 2 of this section, for making and recording the delinquent land lists, the collector and the clerk shall each receive five dollars per tract or lot. The ten dollars shall be paid into the county employees' retirement fund established pursuant to section 50.1010.";** and

Further amend said bill, Page 48, Section B, Line 6, by inserting after all of said section and line the following:

"Section C. Sections 52.290, 137.280, 137.345, and 140.100 of section A of this act shall become effective January 1, 2018."; and

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

On motion of Representative Walker (3), **House Amendment No. 1** was adopted.

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 394, Page 33, Section 104.1092, Line 16, by inserting after all of said line the following:

"105.666. 1. Each **defined benefit** plan shall, in conjunction with its staff and advisors, establish a board member education program, which shall be in effect on or after January 1, 2008. The curriculum shall include, at a minimum, education in the areas of duties and responsibilities of board members as trustees, ethics, governance process and procedures, pension plan design and administration of benefits, investments including but not limited to the fiduciary duties as defined under section 105.688, legal liability and risks associated with the administration of a plan, sunshine law requirements under chapter 610, actuarial principles and methods related to plan administration, and the role of staff and consultants in plan administration. Board members appointed or elected on a board on or after January 1, 2008, shall complete a board member education program designated to orient new board members in the areas described in this section within ninety days of becoming a new board member. Board members who have served one or more years **and administer a defined benefit plan** shall attend at least a total of six hours of continuing education programs each year in the areas described in this section.

2. Routine annual presentation by outside plan service providers shall not be used to satisfy board member education or continuing education program requirements contained in subsection 1 of this section. Such service providers may be utilized to perform education programs with such programs being separate and apart from routine annual presentations.

3. Plan governing body or staff shall maintain a record of board member education including, but not limited to, date, time length, location, education material, and any facilitator utilized. The record shall be signed and attested to by the attending board member or board chairperson or designee. Such information shall be maintained for public record and disclosure for at least three years or until the expiration of such board member's term, whichever occurs first.

4. A board member who is knowingly not participating in the required education programs under this section may be removed from such board by a majority of the board members which shall result in a vacancy to be filled in accordance with plan provisions except that ex officio board members shall not be removed under this subsection.

5. Each plan shall, upon the request of any individual participant, provide an annual pension benefit statement which shall be written in a manner calculated to be understood by the average plan participant and may be delivered in written, electronic, or other appropriate form to the extent such form is reasonably accessible to each participant or beneficiary. Such pension benefit statement shall include, but not be limited to, accrued participant contributions to the plan, total benefits accrued, date first eligible for a normal retirement benefit, and projected benefit at normal retirement **for defined benefit plans only**. Any plan failing to do so shall submit in writing to the joint committee on public employee retirement as to why the information may not be provided as requested."; and

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

Representative Dogan 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 Bill No. 394, Page 1, Line 36, by inserting after all of said line the following:

"Further amend said bill, Page 45, Section 169.490, Lines 49 to 64, by deleting all of said lines and inserting in lieu thereof the following:

**"5. For calendar year 2018, the rate of contribution payable by each employer shall equal sixteen percent of the total compensation of all members employed by that employer. For each calendar year thereafter, the percentage rate of contribution payable by each employer of the total compensation of all members employed by that employer shall decrease one-half of one percent annually until calendar year 2032 when the rate of contribution payable by each employer shall equal nine percent of the total compensation of all members employed by that employer. For subsequent calendar years after 2032, the rate of contribution payable by each employer shall equal nine percent of the total compensation of all members employed by that employer.";** and"; and



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

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

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

On motion of Representative Walker (3), the title of **HCS SB 394, as amended**, was agreed to.

On motion of Representative Walker (3), **HCS SB 394, as amended**, was adopted.

On motion of Representative Walker (3), **HCS SB 394, as amended**, was read the third time and passed by the following vote:

AYES: 129

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Bangert	Baringer	Barnes 60
Barnes 28	Basye	Beard	Beck	Bernskoetter
Berry	Black	Bondon	Brattin	Brown 27
Brown 57	Brown 94	Burnett	Burns	Butler
Carpenter	Christofanelli	Cierpiot	Corlew	Cornejo
Crawford	Cross	Davis	DeGroot	Dogan
Dohrman	Eggleston	Ellebracht	Evans	Fitzpatrick
Fitzwater 144	Fitzwater 49	Fraker	Francis	Franklin
Franks Jr	Frederick	Gannon	Gray	Green
Gregory	Grier	Haahr	Haefner	Hannegan
Hansen	Harris	Helms	Henderson	Hill
Houghton	Houx	Hubrecht	Justus	Kelley 127
Kelly 141	Kendrick	Lant	Lauer	Lavender
Lichtenegger	Love	Lynch	Mathews	Matthiesen
May	McCann Beatty	McCreery	McGaugh	McGee
Meredith 71	Merideth 80	Messenger	Mitten	Morgan
Morris	Mosley	Muntzel	Neely	Newman
Nichols	Peters	Pfautsch	Phillips	Pierson Jr
Pietzman	Pike	Plocher	Quade	Razer
Rehder	Reiboldt	Reisch	Remole	Roberts
Roeber	Rone	Rowland 155	Rowland 29	Runions
Ruth	Shaul 113	Shull 16	Shumake	Smith 85
Smith 163	Sommer	Stephens 128	Stevens 46	Swan
Tate	Trent	Unsicker	Walker 3	Walker 74
Wessels	White	Wood	Mr. Speaker	

NOES: 014

Bahr	Chipman	Curtis	Curtman	Ellington
Hurst	Johnson	Korman	Marshall	McCaherty
Moon	Pogue	Stacy	Taylor	

PRESENT: 001

Wilson

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ABSENT WITH LEAVE: 018

Conway 10	Conway 104	Cookson	Dunn	Engler
Higdon	Kidd	Kolkmeier	McDaniel	Miller
Redmon	Rhoads	Roden	Ross	Schroer
Spencer	Vescovo	Wiemann		

VACANCIES: 001

Representative Fitzwater (49) declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 005

Bangert	Baringer	Franks Jr	Lant	Smith 85
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NOES: 136

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Barnes 60	Barnes 28
Basye	Beard	Beck	Bernskoetter	Berry
Black	Bondon	Brattin	Brown 27	Brown 57
Brown 94	Burnett	Burns	Butler	Chipman
Christofanelli	Cierpiot	Conway 104	Corlew	Cornejo
Crawford	Cross	Curtman	Davis	DeGroot
Dogan	Dohrman	Eggleston	Ellebracht	Ellington
Evans	Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker
Francis	Franklin	Frederick	Gannon	Gray
Green	Gregory	Grier	Haahr	Haefner
Hannegan	Hansen	Harris	Helms	Henderson
Hill	Houghton	Houx	Hubrecht	Hurst
Johnson	Justus	Kelley 127	Kelly 141	Kendrick
Korman	Lauer	Lavender	Lichtenegger	Love
Lynch	Marshall	Mathews	Matthiesen	May
McCaherty	McCann Beatty	McCreery	McGaugh	McGee
Meredith 71	Merideth 80	Messenger	Mitten	Moon
Morgan	Morris	Mosley	Muntzel	Neely
Newman	Nichols	Peters	Pfautsch	Phillips
Pierson Jr	Pietzman	Pike	Plocher	Pogue
Quade	Razer	Rehder	Reiboldt	Remole
Roberts	Roeber	Rone	Ross	Rowland 155
Runions	Ruth	Shaul 113	Shull 16	Shumake
Smith 163	Sommer	Spencer	Stacy	Stephens 128
Stevens 46	Swan	Tate	Taylor	Trent
Unsicker	Walker 3	Walker 74	Wessels	Wood
Mr. Speaker				

PRESENT: 003

Curtis	Rowland 29	Wilson
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ABSENT WITH LEAVE: 018

Carpenter	Conway 10	Cookson	Dunn	Engler
Higdon	Kidd	Kolkmeier	McDaniel	Miller

Redmon	Reisch	Rhoads	Roden	Schroer
Vescovo	White	Wiemann		

VACANCIES: 001

**HCS SB 488**, relating to the conveyance of state property, was taken up by Representative Bernskoetter.

On motion of Representative Bernskoetter, the title of **HCS SB 488** was agreed to.

On motion of Representative Bernskoetter, **HCS SB 488** was adopted.

On motion of Representative Bernskoetter, **HCS SB 488** was read the third time and passed by the following vote:

AYES: 132

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Bangert	Baringer
Barnes 60	Barnes 28	Basye	Beck	Bernskoetter
Berry	Black	Bondon	Brown 27	Brown 57
Brown 94	Burnett	Burns	Butler	Carpenter
Chipman	Cierpiot	Conway 104	Corlew	Crawford
Cross	Curtis	Davis	DeGroot	Dogan
Dohrman	Eggleston	Ellebracht	Engler	Evans
Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker	Francis
Franklin	Franks Jr	Frederick	Gannon	Gray
Green	Grier	Haahr	Haefner	Hannegan
Hansen	Harris	Henderson	Houghton	Houx
Hubrecht	Hurst	Johnson	Justus	Kelley 127
Kendrick	Kidd	Korman	Lant	Lauer
Lavender	Lichtenegger	Love	Lynch	Mathews
May	McCann Beatty	McCreery	McGaugh	McGee
Meredith 71	Merideth 80	Messenger	Mitten	Moon
Morgan	Morris	Mosley	Muntzel	Neely
Newman	Nichols	Peters	Pfautsch	Phillips
Pierson Jr	Pietzman	Pike	Plocher	Quade
Razer	Rehder	Reiboldt	Remole	Roberts
Roeber	Rone	Rowland 155	Rowland 29	Runions
Ruth	Shaul 113	Shull 16	Shumake	Smith 85
Smith 163	Sommer	Stacy	Stephens 128	Stevens 46
Swan	Tate	Trent	Unsicker	Vescovo
Walker 3	Walker 74	Wessels	White	Wiemann
Wood	Mr. Speaker			

NOES: 011

Brattin	Curtman	Helms	Hill	Kelly 141
Marshall	McDaniel	Pogue	Ross	Taylor
Wilson				

PRESENT: 000

ABSENT WITH LEAVE: 019

Beard	Christofanelli	Conway 10	Cookson	Cornejo
Dunn	Ellington	Gregory	Higdon	Kolkmeier
Matthiesen	McCaherty	Miller	Redmon	Reisch
Rhoads	Roden	Schroer	Spencer	

VACANCIES: 001

Representative Fitzwater (49) declared the bill passed.

**HCS SB 114**, relating to political subdivisions, was taken up by Representative Alferman.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 114, Page 17, Section 105.030, Line 34, by inserting immediately after all of said section and line the following:

"105.145. 1. The following definitions shall be applied to the terms used in this section:

(1) "Governing body", the board, body, or persons in which the powers of a political subdivision as a body corporate, or otherwise, are vested;

(2) "Political subdivision", any agency or unit of this state, except counties and school districts, which now is, or hereafter shall be, authorized to levy taxes or empowered to cause taxes to be levied.

2. The governing body of each political subdivision in the state shall cause to be prepared an annual report of the financial transactions of the political subdivision in such summary form as the state auditor shall prescribe by rule, except that the annual report of political subdivisions whose cash receipts for the reporting period are ten thousand dollars or less shall only be required to contain the cash balance at the beginning of the reporting period, a summary of cash receipts, a summary of cash disbursements and the cash balance at the end of the reporting period.

3. Within such time following the end of the fiscal year as the state auditor shall prescribe by rule, the governing body of each political subdivision shall cause a copy of the annual financial report to be remitted to the state auditor.

4. The state auditor shall immediately on receipt of each financial report acknowledge the receipt of the report.

5. In any fiscal year no member of the governing body of any political subdivision of the state shall receive any compensation or payment of expenses after the end of the time within which the financial statement of the political subdivision is required to be filed with the state auditor and until such time as the notice from the state auditor of the filing of the annual financial report for the fiscal year has been received.

6. The state auditor shall prepare sample forms for financial reports and shall mail the same to the political subdivisions of the state. Failure of the auditor to supply such forms shall not in any way excuse any person from the performance of any duty imposed by this section.

7. All reports or financial statements hereinabove mentioned shall be considered to be public records.

8. The provisions of this section apply to the board of directors of every transportation development district organized under sections 238.200 to 238.275.

9. Any ~~[transportation development district]~~ **political subdivision** that fails to timely submit a copy of the annual financial statement to the state auditor shall be subject to a fine of five hundred dollars per day.

~~[9]~~ 10. The state auditor shall report any violation of subsection ~~[8]~~ 9 of this section to the department of revenue. Upon notification from the state auditor's office that a ~~[transportation development district]~~ **political subdivision** failed to timely submit a copy of the annual financial statement, the department of revenue shall notify such ~~[district]~~ **political subdivision** by certified mail that the statement has not been received. Such notice shall clearly set forth the following:

(1) The name of the ~~[district]~~ **political subdivision**;

(2) That the ~~[district]~~ **political subdivision** shall be subject to a fine of five hundred dollars per day if the ~~[district]~~ **political subdivision** does not submit a copy of the annual financial statement to the state auditor's office within thirty days from the postmarked date stamped on the certified mail envelope;

(3) That the fine will be enforced and collected as provided under subsection ~~[40]~~ **11** of this section; and

(4) That the fine will begin accruing on the thirty-first day from the postmarked date stamped on the certified mail envelope and will continue to accrue until the state auditor's office receives a copy of the financial statement.

In the event a copy of the annual financial statement is received within such thirty-day period, no fine shall accrue or be imposed. The state auditor shall report receipt of the financial statement to the department of revenue within ten business days. Failure of the ~~[district]~~ **political subdivision** to submit the required annual financial statement within such thirty-day period shall cause the fine to be collected as provided under subsection ~~[40]~~ **11** of this section.

~~[40]~~ **11.** The department of revenue may collect the fine authorized under the provisions of subsection ~~[8]~~ **9** of this section by offsetting any sales or use tax distributions due to the ~~[district]~~ **political subdivision**. The director of revenue shall retain two percent for the cost of such collection. The remaining revenues collected from such violations shall be distributed annually to the schools of the county in the same manner that proceeds for all penalties, forfeitures, and fines collected for any breach of the penal laws of the state are distributed.

~~[44]~~ **12.** Any transportation development district organized under sections 238.200 to 238.275 having gross revenues of less than five thousand dollars in the fiscal year for which the annual financial statement was not timely filed shall not be subject to the fine authorized in this section."; and

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

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

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

#### *House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 114, Page 17, Section 105.030, Line 34, by inserting immediately after all of said section and line the following:

"115.124. 1. Notwithstanding any other law to the contrary, in a nonpartisan election in any political subdivision or special district including municipal elections in any city, town, or village with ~~[one]~~ **two** thousand or fewer inhabitants that have adopted a proposal pursuant to subsection 3 of this section but excluding municipal elections in any city, town, or village with more than ~~[one]~~ **two** thousand inhabitants, if the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation as defined in section 493.050 in the district, and ~~[if the number of candidates who have filed for a particular office is equal to the number of positions in that office to be filled by the election, no election shall be held for such office]~~ **if the number of candidates for each office in a particular political subdivision, special district, or municipality is equal to the number of positions for each office within the political subdivision, special district, or municipality to be filled by the election and no ballot measure is placed on the ballot such that a particular political subdivision will owe no proportional election costs if an election is not held, then no election shall be held**, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected. If no election is held for ~~[such office]~~ **a particular political subdivision, special district, or municipality** as provided in this section, the election authority shall publish a notice containing the names of the candidates that shall assume the responsibilities of office under this section. Such notice shall be published in at least one newspaper of general circulation as defined in section 493.050 in such political subdivision or district by the first of the month in which the election would have occurred, had it been contested. Notwithstanding any other provision of law to the contrary, if at any election the number of candidates filing for a particular office exceeds the number of positions to be filled at such election, the election authority shall hold the election as scheduled, even if a sufficient number of candidates withdraw from such contest for that office so that the number of candidates remaining after the filing deadline is equal to the number of positions to be filled.

2. The election authority or political subdivision responsible for the oversight of the filing of candidates in any nonpartisan election in any political subdivision or special district shall clearly designate where candidates shall form a line to effectuate such filings and determine the order of such filings; except that, in the case of candidates who file a declaration of candidacy with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing, the election authority or political subdivision may determine by random drawing the order in which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to this subsection, it shall be conducted so that each candidate, or candidate's representative if the candidate filed under subsection 2 of section 115.355, may draw a number at random at the time of filing. If such drawing is conducted, the election authority or political subdivision shall record the number drawn with the candidate's declaration of candidacy. If such drawing is conducted, the names of candidates filing on the first day of filing for each office on each ballot shall be listed in ascending order of the numbers so drawn.

3. The governing body of any city, town, or village with ~~one~~ **two** thousand or fewer inhabitants may submit to the voters at any available election, a question to adopt the provisions of subsection 1 of this section for municipal elections. If a majority of the votes cast by the qualified voters voting thereon are in favor of the question, then the city, town, or village shall conduct nonpartisan municipal elections as provided in subsection 1 of this section for all nonpartisan elections remaining in the year in which the proposal was adopted and for the six calendar years immediately following such approval. At the end of such six-year period, each such city, town, or village shall be prohibited from conducting such elections in such a manner unless such a question is again adopted by the majority of qualified voters as provided in this subsection."; and

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

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Bill No. 114, Page 5, Section 67.405, Line 17, by inserting immediately after all of said section and line the following:

"68.075. 1. This section shall be known and may be cited as the "Advanced Industrial Manufacturing Zones Act".

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

(1) "AIM zone", an area identified through a resolution passed by the port authority board of commissioners appointed under section 68.045 that is being developed or redeveloped for any purpose so long as any infrastructure and building built or improved is in the development area. The port authority board of commissioners shall file an annual report indicating the established AIM zones with the department of revenue;

(2) **"County average wage", the average wages in each county as determined by the Missouri department of economic development for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility;**

(3) "New job", the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job. An employee that spends less than fifty percent of the employee's work time at the facility is still considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility's payroll, one hundred percent of the employee's income from such employment is Missouri income, and the employee is paid at or above the ~~[state]~~ **county** average wage.

3. Any port authority located in this state may establish an AIM zone. Such zone may only include the area within the port authority's jurisdiction, **ownership, or control**, and may include any such area. The port authority shall determine the boundaries for each AIM zone, and more than one AIM zone may exist within the port authority's jurisdiction **or under the port authority's ownership or control, and may be expanded or contracted by resolution of the port authority board of commissioners.**

4. Fifty percent of the state tax withholdings imposed by sections 143.191 to 143.265 on new jobs within such zone after development or redevelopment has commenced shall not be remitted to the general **revenue** fund of the state of Missouri. Such moneys shall be deposited into the port authority AIM zone fund established under subsection 5 of this section for the purpose of continuing to expand, develop, and redevelop AIM zones identified by the port authority board of commissioners and may be used for managerial, engineering, legal, research, promotion, planning, satisfaction of bonds issued under section 68.040, and any other expenses.

5. There is hereby created in the state treasury the "Port Authority AIM Zone Fund", which shall consist of money collected under this section. 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 to the port authorities from which the funds were collected, less the pro-rata portion appropriated by the general assembly to be used solely for the administration of this section which shall not exceed ten percent of the total amount collected within the zones of a port authority. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

6. The port authority shall approve any projects that begin construction and disperse any money collected under this section. The port authority shall submit an annual budget for the funds to the department of economic development explaining how and when such money will be spent.

7. The provision of section 23.253 notwithstanding, no AIM zone may be established after August 28, 2023. Any AIM zone created prior to that date shall continue to exist and be coterminous with the retirement of all debts incurred under subsection 4 of this section. No debts may be incurred or reauthorized using AIM zone revenue after August 28, 2023."; and

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

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

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

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Bill No. 114, Page 20, Section 140.100, Line 12, by inserting immediately after said line the following:

"162.492. 1. In all urban districts containing the greater part of the population of a city which has more than three hundred thousand inhabitants, the election authority of the city in which the greater portion of the school district lies, and of the county if the district includes territory not within the city limits, shall serve ex officio as a redistricting commission. The commission shall on or before November 1, 2018, divide the school district into five subdistricts, all subdistricts being of compact and contiguous territory and as nearly equal in the number of inhabitants as practicable and thereafter the board shall redistrict the district into subdivisions as soon as practicable after each United States decennial census. In establishing the subdistricts each member shall have one vote and a majority vote of the total membership of the commission is required to make effective any action of the commission.

2. School elections for the election of directors shall be held on municipal election days in 2014 and 2016. At the election in 2014, directors shall be elected to hold office until 2019 and until their successors are elected and qualified. At the election in 2016, directors shall be elected until 2019 and until their successors are elected and qualified. Beginning in 2019, school elections for the election of directors shall be held on the local election date as specified in the charter of a home rule city with more than four hundred thousand inhabitants and located in more than one county. Beginning at the election for school directors in 2019, the number of directors on the board shall be reduced from nine to seven. Two directors shall be at-large directors and five directors shall represent the subdistricts, with one director from each of the subdistricts. ~~[Directors shall serve a four-year term]~~ **At the 2019 election, one of the at-large directors and the directors from subdistricts one, three, and five shall be elected for a two-year term, and the other at-large director and the directors from subdistricts two and four shall be elected for a four-year term. Thereafter, all seven directors shall serve a four-year term.** Directors shall serve until the next election and until their successors, then elected, are duly qualified as provided in this section. In

addition to other qualifications prescribed by law, each member elected from a subdistrict shall be a resident of the subdistrict from which he or she is elected. The subdistricts shall be numbered from one to five. ~~[Each voter may vote for two candidates for at-large director and the two receiving the largest number of votes cast shall be elected.]~~

3. The five candidates, one from each of the subdistricts, who receive a plurality of the votes cast by the voters of that subdistrict and the at-large candidates receiving a plurality of the at-large votes shall be elected. The name of no candidate for nomination shall be printed on the ballot unless the candidate has at least sixty days prior to the election filed a declaration of candidacy with the secretary of the board of directors containing the signatures of at least two hundred fifty registered voters who are residents of the subdistrict within which the candidate for nomination to a subdistrict office resides, and in case of at-large candidates the signatures of at least five hundred registered voters. The election authority shall determine the validity of all signatures on declarations of candidacy.

4. In any election either for at-large candidates or candidates elected by the voters of subdistricts, if there are more than two candidates, a majority of the votes are not required to elect but the candidate having a plurality of the votes ~~[if there is only one office to be filled and the candidates having the highest number of votes, if more than one office is to be filled,]~~ shall be elected.

5. The names of all candidates shall appear upon the ballot without party designation and in the order of the priority of the times of filing their petitions of nomination. No candidate may file both at large and from a subdistrict and the names of all candidates shall appear only once on the ballot, nor may any candidate file more than one declaration of candidacy. All declarations shall designate the candidate's residence and whether the candidate is filing at large or from a subdistrict and the numerical designation of the subdistrict or at-large area.

6. The provisions of all sections relating to seven-director school districts shall also apply to and govern urban districts in cities of more than three hundred thousand inhabitants, to the extent applicable and not in conflict with the provisions of those sections specifically relating to such urban districts.

7. Vacancies which occur on the school board between the dates of election shall be filled by special election if such vacancy happens more than six months prior to the time of holding an election as provided in subsection 2 of this section. The state board of education shall order a special election to fill such a vacancy. A letter from the commissioner of education, delivered by certified mail to the election authority or authorities that would normally conduct an election for school board members shall be the authority for the election authority or authorities to proceed with election procedures. If a vacancy occurs less than six months prior to the time of holding an election as provided in subsection 2 of this section, no special election shall occur and the vacancy shall be filled at the next election day on which local elections are held as specified in the charter of any home rule city with more than four hundred thousand inhabitants and located in more than one county."; and

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

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

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

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Bill No. 114, Page 20, Section 140.100, Line 12, by inserting immediately after said lines the following:

"160.415. 1. For the purposes of calculation and distribution of state school aid under section 163.031, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district within which each pupil resides. Each charter school shall report the names, addresses, and eligibility for free and reduced price lunch, special education, or limited English proficiency status, as well as eligibility for categorical aid, of pupils resident in a school district who are enrolled in the charter school to the school district in which those pupils reside. The charter school shall report the average daily attendance data, free and reduced price lunch count, special education pupil count, and limited English proficiency pupil count to the state department of elementary and secondary education. Each charter school shall promptly notify the state department of elementary and secondary education and the pupil's school district when a student discontinues enrollment at a charter school.

2. Except as provided in subsections 3 and 4 of this section, the aid payments for charter schools shall be as described in this subsection.



(1) A school district having one or more resident pupils attending a charter school shall pay to the charter school an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers' funds in excess of the performance levy as defined in section 163.011 plus all other state aid attributable to such pupils.

(2) The district of residence of a pupil attending a charter school shall also pay to the charter school any other federal or state aid that the district receives on account of such child.

(3) If the department overpays or underpays the amount due to the charter school, such overpayment or underpayment shall be repaid by the public charter school or credited to the public charter school in twelve equal payments in the next fiscal year.

(4) The amounts provided pursuant to this subsection shall be prorated for partial year enrollment for a pupil.

(5) A school district shall pay the amounts due pursuant to this subsection as the disbursal agent and no later than twenty days following the receipt of any such funds. The department of elementary and secondary education shall pay the amounts due when it acts as the disbursal agent within five days of the required due date.

3. A workplace charter school shall receive payment for each eligible pupil as provided under subsection 2 of this section, except that if the student is not a resident of the district and is participating in a voluntary interdistrict transfer program, the payment for such pupils shall be the same as provided under section 162.1060.

4. A charter school that has declared itself as a local educational agency shall receive from the department of elementary and secondary education an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers funds in excess of the performance levy as defined in section 163.011 **except those funds designated by taxpayers in an urban district as early childhood education funds**, plus all other state aid attributable to such pupils. If a charter school declares itself as a local educational agency, the department of elementary and secondary education shall, upon notice of the declaration, reduce the payment made to the school district by the amount specified in this subsection and pay directly to the charter school the annual amount reduced from the school district's payment.

5. If a school district fails to make timely payments of any amount for which it is the disbursal agent, the state department of elementary and secondary education shall authorize payment to the charter school of the amount due pursuant to subsection 2 of this section and shall deduct the same amount from the next state school aid apportionment to the owing school district. If a charter school is paid more or less than the amounts due pursuant to this section, the amount of overpayment or underpayment shall be adjusted equally in the next twelve payments by the school district or the department of elementary and secondary education, as appropriate. Any dispute between the school district and a charter school as to the amount owing to the charter school shall be resolved by the department of elementary and secondary education, and the department's decision shall be the final administrative action for the purposes of review pursuant to chapter 536. During the period of dispute, the department of elementary and secondary education shall make every administrative and statutory effort to allow the continued education of children in their current public charter school setting.

6. The charter school and a local school board may agree by contract for services to be provided by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

7. In the case of a proposed charter school that intends to contract with an education service provider for substantial educational services or management services, the request for proposals shall additionally require the charter school applicant to:

(1) Provide evidence of the education service provider's success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions, if applicable;

(2) Provide a term sheet setting forth the proposed duration of the service contract; roles and responsibilities of the governing board, the school staff, and the service provider; scope of services and resources to be provided by the service provider; performance evaluation measures and time lines; compensation structure, including clear identification of all fees to be paid to the service provider; methods of contract oversight and enforcement; investment disclosure; and conditions for renewal and termination of the contract;

(3) Disclose any known conflicts of interest between the school governing board and proposed service provider or any affiliated business entities;

(4) Disclose and explain any termination or nonrenewal of contracts for equivalent services for any other charter school in the United States within the past five years;

(5) Ensure that the legal counsel for the charter school shall report directly to the charter school's governing board; and

(6) Provide a process to ensure that the expenditures that the education service provider intends to bill to the charter school shall receive prior approval of the governing board or its designee.

8. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

9. A charter school shall be eligible for transportation state aid pursuant to section 163.161 and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

10. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school shall provide the special services provided pursuant to section 162.705 and may provide the special services pursuant to a contract with a school district or any provider of such services.

11. A charter school may not charge tuition or impose fees that a school district is prohibited from charging or imposing, except that a charter school may receive tuition payments from districts in the same or an adjoining county for nonresident students who transfer to an approved charter school, as defined in section 167.131, from an unaccredited district.

12. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Except as otherwise specifically provided in sections 160.400 to 160.425, upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355. A charter school shall satisfy all its financial obligations within twelve months of notice from the sponsor of the charter school's closure under subsection 8 of section 160.405. After satisfaction of all its financial obligations, a charter school shall return any remaining state and federal funds to the department of elementary and secondary education for disposition as stated in subdivision (17) of subsection 1 of section 160.405. The department of elementary and secondary education may withhold funding at a level the department determines to be adequate during a school's last year of operation until the department determines that school records, liabilities, and reporting requirements, including a full audit, are satisfied.

13. Charter schools shall not have the power to acquire property by eminent domain.

14. The governing body of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter.

163.018. 1. Notwithstanding the definition of "average daily attendance" in subdivision (2) of section 163.011 to the contrary, pupils between the ages of three and five who are eligible for free and reduced price lunch and attend an early childhood education program:

(1) That is operated by and in a district or by a charter school that has declared itself as a local educational agency providing full-day kindergarten and that meets standards established by the state board of education; **or**

(2) **That is under contract with a district or charter school that has declared itself as a local educational agency and that meets standards established by the state board of education** shall be included in the district's or charter school's calculation of average daily attendance. The total number of such pupils included in the district's or charter school's calculation of average daily attendance shall not exceed four percent of the total number of pupils who are eligible for free and reduced price lunch between the ages of five and eighteen who are included in the district's or charter school's calculation of average daily attendance.

2. (1) For any district that has been declared unaccredited by the state board of education and remains unaccredited as of July 1, 2015, and for any charter school located in said district, the provisions of subsection 1 of this section shall become applicable during the 2015-16 school year.

(2) For any district that is declared unaccredited by the state board of education after July 1, 2015, and for any charter school located in said district, the provisions of subsection 1 of this section shall become applicable immediately upon such declaration.

(3) For any district that has been declared provisionally accredited by the state board of education and remains provisionally accredited as of July 1, 2016, and for any charter school located in said district, the provisions of subsection 1 of this section shall become applicable beginning in the 2016-17 school year.

(4) For any district that is declared provisionally accredited by the state board of education after July 1, 2016, and for any charter school located in said district, the provisions of this section shall become applicable beginning in the 2016-17 school year or immediately upon such declaration, whichever is later.

(5) For all other districts and charter schools, the provisions of subsection 1 of this section shall become effective in any school year subsequent to a school year in which the amount appropriated for subsections 1 and 2 of section 163.031 is equal to or exceeds the amount necessary to fund the entire entitlement calculation determined by subsections 1 and 2 of section 163.031, and shall remain effective in all school years thereafter, irrespective of the amount appropriated for subsections 1 and 2 of section 163.031 in any succeeding year, **provided that in the first school year in which subsection 1 of this section becomes effective under this subdivision, school districts and charter schools shall receive thirty-three percent of the funding associated with such pupils; in the second school year, school districts and charter schools shall receive sixty-six percent of the funding associated with such pupils; and in the third school year, school districts and charter schools shall receive one hundred percent of the funding associated with such pupils.**

3. This section shall not require school attendance beyond that mandated under section 167.031 and shall not change or amend the provisions of sections 160.051, 160.053, 160.054, and 160.055 relating to kindergarten attendance."; and

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

On motion of Representative Swan, **House Amendment No. 5** was adopted by the following vote, the ayes and noes having been demanded pursuant to Article III, Section 26 of the Constitution:

AYES: 095

Adams	Alferman	Anderson	Andrews	Austin
Bangert	Baringer	Basye	Bernskoetter	Berry
Black	Bondon	Brattin	Brown 57	Brown 94
Chipman	Cierpiot	Conway 104	Corlew	Crawford
Cross	Curtman	Davis	DeGroot	Dogan
Dohrman	Eggleston	Evans	Fitzpatrick	Fitzwater 144
Fitzwater 49	Fraker	Francis	Franklin	Frederick
Gannon	Green	Grier	Haahr	Haefner
Hannegan	Hansen	Helms	Henderson	Hill
Houghton	Houx	Hubrecht	Johnson	Justus
Kelley 127	Kelly 141	Lant	Lauer	Lichtenegger
Love	Lynch	Mathews	Matthiesen	McCaherty
McDaniel	McGaugh	Messenger	Morris	Muntzel
Neely	Pfautsch	Phillips	Pike	Rehder
Reiboldt	Reisch	Remole	Rhoads	Roerber
Rone	Ross	Rowland 155	Ruth	Shaul 113
Shull 16	Shumake	Smith 163	Sommer	Stacy
Stephens 128	Swan	Tate	Taylor	Trent
Vescovo	Walker 3	White	Wiemann	Mr. Speaker

NOES: 048

Anders	Arthur	Bahr	Barnes 28	Beck
Brown 27	Burnett	Burns	Butler	Carpenter

Curtis	Ellebracht	Ellington	Franks Jr	Gray
Harris	Hurst	Kendrick	Kidd	Korman
Lavender	Marshall	May	McCann Beatty	McCreery
McGee	Meredith 71	Mitten	Moon	Morgan
Mosley	Newman	Nichols	Peters	Pierson Jr
Plocher	Pogue	Quade	Razer	Roberts
Rowland 29	Runions	Smith 85	Spencer	Stevens 46
Unsicker	Walker 74	Wood		

PRESENT: 000

ABSENT WITH LEAVE: 019

Barnes 60	Beard	Christofanelli	Conway 10	Cookson
Cornejo	Dunn	Engler	Gregory	Higdon
Kolkmeyer	Merideth 80	Miller	Pietzman	Redmon
Roden	Schroer	Wessels	Wilson	

VACANCIES: 001

## Representative Rhoads offered **House Amendment No. 6.**

### *House Amendment No. 6*

AMEND House Committee Substitute for Senate Bill No. 114, Page 3, Section 50.1190, Lines 1-9, by removing all of said section and lines; and

Further amend said bill, Page 4, Section 52.290, Line 27, by inserting immediately after all of said section and line the following:

"59.800. 1. Beginning on July 1, 2001, notwithstanding any other condition precedent required by law to the recording of any instrument specified in subdivisions (1) and (2) of **subsection 1** of section 59.330, an additional fee of ~~[five]~~ **six** dollars shall be charged and collected by every recorder of deeds in this state on each instrument recorded. The additional fee shall be distributed as follows:

(1) One dollar and twenty-five cents to the recorder's fund established pursuant to subsection 1 of section 59.319, provided, however, that all funds received pursuant to this section shall be used exclusively for the purchase, installation, upgrade and maintenance of modern technology necessary to operate the recorder's office in an efficient manner;

(2) One dollar and seventy-five cents to the county general revenue fund; and

(3) ~~[Two]~~ **Three** dollars to the fund established in subsection 2 of this section.

2. **(1)** There is hereby established a revolving fund known as the "Statutory County Recorder's Fund", which shall receive funds paid to the recorders of deeds of the counties of this state pursuant to subdivision (3) of subsection 1 of this section. The director of the department of revenue shall be custodian of the fund and shall make disbursements from the fund for the purpose of subsidizing the fees collected by counties that hereafter elect or have heretofore elected to separate the offices of clerk of the circuit court and recorder. The subsidy shall consist of the total amount of moneys collected pursuant to subdivisions (1) and (2) of subsection 1 of this section subtracted from fifty-five thousand dollars, **except if the annual average of funds collected under subsection 1 over the previous three-year period is insufficient to meet all obligations calculated in this subdivision and in which case the provisions of subdivision (2) of this subsection shall apply.** The moneys paid to qualifying counties pursuant to this subsection shall be deposited in the county general revenue fund. For purposes of this section a "qualified county" is a county that hereafter elects or has heretofore elected to separate the offices of clerk of the circuit court and recorder and in which the office of the recorder of deeds collects less than fifty-five thousand dollars in fees pursuant to subdivisions (1) and (2) of subsection 1 of this section, on an annual basis. Moneys in the statutory county recorder's fund shall not be considered state funds and shall be deemed nonstate funds.

**(2) If funds collected under subdivision (3) of subsection 1 of this section are insufficient to meet obligations set out in subsection 1 of this section, the department of revenue shall calculate the projected**

shortfall that would otherwise be incurred using the formula set out above. If the fund balance is greater than the annual average disbursement of the previous three years, then up to thirty-three percent of such excess may be used to meet the obligation. If this amount is insufficient or unavailable, the director of the department of revenue shall set a new requisite amount to determine a qualified county under subdivision (1) of this subsection other than fifty-five thousand dollars, which reflects the revenue collected under subdivision (3) of subsection 1 of this section plus an additional thirty-three percent should the balance exist in the statutory recorder's fund."; and

Further amend said bill, Pages 18 and 19, Section 137.280, Lines 49-56, by deleting all of said lines and inserting in lieu thereof the following:

**"4. If annual waivers exceed forty percent then by February first of each year the assessor shall transmit to the county employees' retirement fund an electronic or paper copy of the log maintained under subsection 3 of section 50.1020 for the prior calendar year.";** and

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

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

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

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Bill No. 114, Page 1, Section A, Line 6, by inserting immediately after said section and line the following:

"43.505. 1. The department of public safety is hereby designated as the central repository for the collection, maintenance, analysis and reporting of crime incident activity generated by law enforcement agencies in this state. The department shall develop and operate a uniform crime reporting system that is compatible with the national uniform crime reporting system operated by the Federal Bureau of Investigation.

2. The department of public safety shall:

(1) Develop, operate and maintain an information system for the collection, storage, maintenance, analysis and retrieval of crime incident and arrest reports from Missouri law enforcement agencies;

(2) Compile the statistical data and forward such data as required to the Federal Bureau of Investigation or the appropriate Department of Justice agency in accordance with the standards and procedures of the national system;

(3) Provide the forms, formats, procedures, standards and related training or training assistance to all law enforcement agencies in the state as necessary for such agencies to report incident and arrest activity for timely inclusion into the statewide system;

(4) Annually publish a report on the nature and extent of crime and submit such report to the governor and the general assembly. Such report and other statistical reports shall be made available to state and local law enforcement agencies and the general public through an electronic or manual medium;

(5) Maintain the privacy and security of information in accordance with applicable state and federal laws, regulations and orders; and

(6) Establish such rules and regulations as are necessary for implementing the provisions of this section.

Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

3. Every law enforcement agency in the state shall:

(1) Submit crime incident reports to the department of public safety on forms or in the format prescribed by the department; and

(2) Submit any other crime incident information which may be required by the department of public safety.

4. Any law enforcement agency that violates this section **after December 31, 2021**, may be ineligible to receive state or federal funds which would otherwise be paid to such agency for law enforcement, safety or criminal justice purposes."; and

Further amend said bill, Page 30, Section 475.120, Line 43, by inserting after all of said section and line the following:

"488.5320. 1. Sheriffs, county marshals or other officers shall be allowed a charge for their services rendered in criminal cases and in all proceedings for contempt or attachment, as required by law, the sum of seventy-five dollars for each felony case or contempt or attachment proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction, including cases disposed of by a violations bureau established pursuant to law or supreme court rule. Such charges shall be charged and collected in the manner provided by sections 488.010 to 488.020 and shall be payable to the county treasury; except that, those charges from cases disposed of by a violations bureau shall be distributed as follows: one-half of the charges collected shall be forwarded and deposited to the credit of the MODEX fund established in subsection 6 of this section for the operational cost of the Missouri data exchange (MODEX) system, and one-half of the charges collected shall be deposited to the credit of the inmate security fund, established in section 488.5026, of the county or municipal political subdivision from which the citation originated. If the county or municipal political subdivision has not established an inmate security fund, all of the funds shall be deposited in the MODEX fund.

~~2. [Notwithstanding subsection 1 of this section to the contrary, sheriffs, county marshals, or other officers in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants or in any city not within a county shall not be allowed a charge for their services rendered in cases disposed of by a violations bureau established pursuant to law or supreme court rule.~~

~~3.]~~ The sheriff receiving any charge pursuant to subsection 1 of this section shall reimburse the sheriff of any other county or the City of St. Louis the sum of three dollars for each pleading, writ, summons, order of court or other document served in connection with the case or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum amount of the total charge received pursuant to subsection 1 of this section.

~~[4.]~~ 3. The charges provided in subsection 1 of this section shall be taxed as other costs in criminal proceedings immediately upon a plea of guilty or a finding of guilt of any defendant in any criminal procedure. The clerk shall tax all the costs in the case against such defendant, which shall be collected and disbursed as provided by sections 488.010 to 488.020; provided, that no such charge shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court; provided further, that all costs, incident to the issuing and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri facias and scire facias shall be paid by the defendant and such defendant's sureties, and costs for attachments for witnesses shall be paid by such witnesses.

~~[5.]~~ 4. Mileage shall be reimbursed to sheriffs, county marshals and guards for all services rendered pursuant to this section at the rate prescribed by the Internal Revenue Service for allowable expenses for motor vehicle use expressed as an amount per mile.

~~[6.]~~ 5. (1) There is hereby created in the state treasury the "MODEX Fund", which shall consist of money collected under subsection 1 of this section. The fund shall be administered by the peace officers standards and training commission established in section 590.120. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the operational support and expansion of the MODEX system.

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

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

**6. The MODEX fund may accept funds from federal, state, local, and private entities which utilize the information from the fund to fight fraud and other activities which are in the best interest of law enforcement or the state of Missouri.**

**7. Any information in MODEX which is open under the provisions of chapter 610 is considered open and is not Criminal Justice Information Services data. Any information in MODEX may be shared with any other law enforcement agency, division, or department of the state of Missouri, or other entity approved by the peace officer standards and training commission, for the purpose of anti-fraud efforts.**

513.653. 1. Law enforcement agencies involved in using the federal forfeiture system under federal law shall file a report regarding federal seizures and the proceeds therefrom. Such report shall be filed annually by ~~[January thirty-first]~~ **February fifteenth** for the previous calendar year with the ~~[department of public safety and the]~~ state auditor's office. The report for the calendar year shall ~~[include the type and value of items seized and turned over to the federal forfeiture system, the beginning balance as of January first of federal forfeiture funds or assets previously received and not expended or used, the proceeds received from the federal government (the equitable sharing amount), the expenditures resulting from the proceeds received, and the ending balance as of December thirty-first of federal forfeiture funds or assets on hand. The department of public safety shall not issue funds to any law enforcement agency that fails to comply with the provisions of this section]~~ **consist of a copy of the federal form entitled "ACA Form - Equitable Sharing Agreement and Certification" which is identical to the form submitted in that year to the federal government.**

2. ~~[Intentional]~~ **Any law enforcement agency that intentionally or [knowing failure] knowingly fails to comply with the reporting requirement contained in this section shall be [a class A misdemeanor, punishable by a fine of up to one thousand dollars] ineligible to receive state or federal funds which would otherwise be paid to such agency for law enforcement, safety, or criminal justice purposes."**; and

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

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

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

AMEND House Amendment No. 7 to House Committee Substitute for Senate Bill No. 114, Page 2, Line 5, by inserting immediately after all of said line the following:

"Further amend said bill, Page 4, Section 67.142, Line 10, by inserting immediately after all of said section and line the following:

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

- (1) "Law enforcement officer", a sheriff or peace officer of a municipality with the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of municipalities;
- (2) "Municipality", any county, city, town, or village;
- (3) "Municipality official", any elected or appointed official or any law enforcement officer serving the municipality;
- (4) "Sanctuary policy", any municipality's order ~~[or]~~, ordinance, **or law enforcement policy, regardless of whether formally enacted or [followed] informally adopted**, that:
  - (a) Limits or prohibits any municipality official or person employed by the municipality from communicating or cooperating with federal agencies or officials to verify or report the immigration status of any alien within such municipality; ~~[or]~~
  - (b) Grants to illegal aliens the right to lawful presence or status within the municipality in violation of federal law~~[-]~~;
  - (c) **Violates 8 U.S.C. Section 1373 in any way;**
  - (d) **Restricts in any way, or imposes any conditions upon, the municipality's cooperation or compliance with detainers or other requests from United States Immigration and Customs Enforcement to maintain custody of any alien or to transfer any alien to the custody of United States Immigration and Customs Enforcement;**
  - (e) **Requires United States Immigration and Customs Enforcement to obtain a warrant or demonstrate probable cause before complying with detainers or other requests from United States Immigration and Customs Enforcement to maintain custody of any alien or to transfer any alien to the custody of United States Immigration and Customs Enforcement; or**
  - (f) **Prevents the municipality's law enforcement officers from asking any individual his or her citizenship or immigration status.**

2. No municipality shall enact or adopt any sanctuary policy. Any municipality that enacts or adopts a sanctuary policy shall be ineligible for any moneys provided through grants administered by any state agency or department until the sanctuary policy is repealed or is no longer in effect. Upon the complaint of any state resident regarding a specific government entity, agency, or political subdivision of this state or prior to the provision of funds or awarding of any grants to a government entity, agency, or political subdivision of this state, any member of the general assembly may request that the attorney general of the state of Missouri issue an opinion stating whether the government entity, agency, or political subdivision has current policies in contravention of this section.

3. The governing body, sheriff, or chief of police of each municipality shall provide each law enforcement officer with written notice of their duty to cooperate with state and federal agencies and officials on matters pertaining to enforcement of state and federal laws governing immigration.

4. This section shall become effective on January 1, 2009."; and"; and

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

Representative Barnes (60) raised a point of order that a member was in violation of Rule 85.

Representative Fitzwater (49) requested a parliamentary ruling.

The Parliamentary Committee took the point of order under advisement.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Alferman	Anderson	Andrews	Austin	Barnes 60
Basye	Bernskoetter	Berry	Black	Bondon
Brattin	Brown 57	Brown 94	Christofanelli	Cierpiot
Conway 104	Corlew	Cornejo	Crawford	Cross
Curtman	Davis	DeGroot	Dogan	Dohrman
Eggleston	Evans	Fitzpatrick	Fitzwater 49	Fraker
Francis	Franklin	Frederick	Gregory	Grier
Haahr	Hannegan	Hansen	Helms	Henderson
Hill	Houghton	Houx	Hubrecht	Hurst
Justus	Kelley 127	Kelly 141	Korman	Lant
Lauer	Lichtenegger	Love	Lynch	Marshall
Mathews	Matthiesen	McCahterty	McDaniel	McGaugh
Messenger	Moon	Morris	Muntzel	Pfautsch
Phillips	Pike	Plocher	Pogue	Rehder
Reiboldt	Reisch	Remole	Rhoads	Roeber
Rone	Ross	Rowland 155	Ruth	Schroer
Shull 16	Shumake	Smith 163	Sommer	Spencer
Stacy	Stephens 128	Swan	Tate	Taylor
Trent	Walker 3	White	Wiemann	Wood
Mr. Speaker				

NOES: 041

Adams	Anders	Arthur	Bangert	Baringer
Barnes 28	Beck	Brown 27	Burnett	Burns
Butler	Carpenter	Ellebracht	Ellington	Franks Jr
Gray	Harris	Kendrick	Lavender	May
McCann Beatty	McCreery	McGee	Meredith 71	Merideth 80



Mitten	Morgan	Mosley	Newman	Nichols
Pierson Jr	Quade	Razer	Roberts	Rowland 29
Runions	Smith 85	Stevens 46	Unsicker	Walker 74
Wessels				

PRESENT: 000

ABSENT WITH LEAVE: 025

Bahr	Beard	Chipman	Conway 10	Cookson
Curtis	Dunn	Engler	Fitzwater 144	Gannon
Green	Haefner	Higdon	Johnson	Kidd
Kolkmeier	Miller	Neely	Peters	Pietzman
Redmon	Roden	Shaul 113	Vescovo	Wilson

VACANCIES: 001

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

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Alferman	Anderson	Andrews	Austin	Barnes 60
Basye	Bernskoetter	Berry	Black	Bondon
Brattin	Brown 57	Brown 94	Chipman	Christofanelli
Cierpiot	Conway 104	Corlew	Cornejo	Crawford
Cross	Curtman	Davis	DeGroot	Dogan
Dohrman	Eggleston	Evans	Fitzpatrick	Fitzwater 49
Fraker	Francis	Franklin	Frederick	Gannon
Gregory	Grier	Haahr	Haefner	Hannegan
Hansen	Helms	Henderson	Hill	Houghton
Houx	Hubrecht	Hurst	Justus	Kelley 127
Kelly 141	Korman	Lant	Lauer	Lichtenegger
Love	Lynch	Marshall	Mathews	Matthiesen
McCaherty	McDaniel	McGaugh	Messenger	Moon
Morris	Muntzel	Pfausch	Phillips	Pietzman
Pike	Plocher	Pogue	Rehder	Reiboldt
Reisch	Remole	Rhoads	Roeber	Rone
Ross	Rowland 155	Ruth	Schroer	Shaul 113
Shull 16	Shumake	Smith 163	Sommer	Stacy
Swan	Tate	Taylor	Trent	Walker 3
White	Wiemann	Wood	Mr. Speaker	

NOES: 044

Adams	Anders	Arthur	Bangert	Baringer
Barnes 28	Beck	Brown 27	Burnett	Burns
Butler	Carpenter	Curtis	Ellebracht	Ellington
Franks Jr	Gray	Green	Harris	Kendrick
Lavender	May	McCann Beatty	McCreery	McGee
Meredith 71	Merideth 80	Mitten	Morgan	Mosley

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Newman	Nichols	Peters	Pierson Jr	Quade
Razer	Roberts	Rowland 29	Runions	Smith 85
Stevens 46	Unsicker	Walker 74	Wessels	

PRESENT: 000

ABSENT WITH LEAVE: 019

Bahr	Beard	Conway 10	Cookson	Dunn
Engler	Fitzwater 144	Higdon	Johnson	Kidd
Kolkmeier	Miller	Neely	Redmon	Roden
Spencer	Stephens 128	Vescovo	Wilson	

VACANCIES: 001

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

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

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Alferman	Anderson	Andrews	Austin	Barnes 60
Basye	Bernskoetter	Berry	Black	Bondon
Brattin	Brown 57	Brown 94	Chipman	Christofanelli
Cierpiot	Conway 104	Corlew	Crawford	Cross
Curtman	Davis	DeGroot	Dogan	Dohrman
Eggleston	Evans	Fitzwater 49	Fraker	Francis
Franklin	Frederick	Gannon	Gregory	Grier
Haahr	Haefner	Hannegan	Hansen	Helms
Henderson	Hill	Houghton	Houx	Hubrecht
Hurst	Justus	Kelley 127	Kelly 141	Kidd
Lant	Lauer	Lichtenegger	Love	Lynch
Marshall	Mathews	Matthiesen	McCaherty	McDaniel
McGaugh	Messenger	Moon	Morris	Muntzel
Pfautsch	Phillips	Pietzman	Pike	Plocher
Pogue	Rehder	Reiboldt	Reisch	Remole
Rhoads	Roeber	Rone	Ross	Rowland 155
Ruth	Schroer	Shaul 113	Shull 16	Shumake
Smith 163	Sommer	Stacy	Stephens 128	Swan
Tate	Taylor	Trent	Walker 3	White
Wiemann	Wood			

NOES: 046

Adams	Anders	Arthur	Bangert	Baringer
Barnes 28	Beck	Brown 27	Burnett	Burns
Butler	Carpenter	Conway 10	Curtis	Ellebracht
Ellington	Franks Jr	Gray	Green	Harris
Kendrick	Korman	Lavender	May	McCann Beatty
McCreery	McGee	Meredith 71	Merideth 80	Mitten
Morgan	Mosley	Newman	Nichols	Peters

Pierson Jr	Quade	Razer	Roberts	Rowland 29
Runions	Smith 85	Stevens 46	Unsicker	Walker 74
Wessels				

PRESENT: 000

ABSENT WITH LEAVE: 019

Bahr	Beard	Cookson	Cornejo	Dunn
Engler	Fitzpatrick	Fitzwater 144	Higdon	Johnson
Kolkmeier	Miller	Neely	Redmon	Roden
Spencer	Vescovo	Wilson	Mr. Speaker	

VACANCIES: 001

On motion of Representative Alferman, the title of **HCS SB 114, as amended**, was agreed to.

On motion of Representative Alferman, **HCS SB 114, as amended**, was adopted.

On motion of Representative Alferman, **HCS SB 114, as amended**, was read the third time and passed by the following vote:

AYES: 086

Alferman	Andrews	Austin	Bahr	Basye
Bernskoetter	Berry	Black	Bondon	Brattin
Brown 57	Brown 94	Cierpiot	Conway 104	Cookson
Corlew	Cornejo	Crawford	Cross	Davis
DeGroot	Dohrman	Eggleston	Fitzpatrick	Fitzwater 49
Fraker	Francis	Franklin	Frederick	Gannon
Gregory	Grier	Haahr	Haefner	Hansen
Helms	Henderson	Hill	Houghton	Houx
Hubrecht	Justus	Kelley 127	Kelly 141	Korman
Lant	Lauer	Lichtenegger	Love	Lynch
Mathews	Matthiesen	McCaherty	McDaniel	McGaugh
Messenger	Morris	Muntzel	Pfausch	Phillips
Pike	Plocher	Rehder	Reiboldt	Reisch
Remole	Rhoads	Roeber	Rone	Ross
Rowland 155	Ruth	Schroer	Shaul 113	Shull 16
Smith 163	Sommer	Stacy	Stephens 128	Swan
Tate	Trent	Walker 3	White	Wiemann
Mr. Speaker				

NOES: 063

Adams	Anders	Anderson	Arthur	Bangert
Baringer	Barnes 60	Barnes 28	Beck	Brown 27
Burnett	Burns	Butler	Carpenter	Chipman
Christofanelli	Conway 10	Curtis	Curtman	Dogan
Ellebracht	Ellington	Evans	Franks Jr	Gray
Green	Hannegan	Harris	Hurst	Johnson
Kendrick	Kidd	Lavender	Marshall	May
McCann Beatty	McCreery	McGee	Meredith 71	Merideth 80
Mitten	Moon	Morgan	Mosley	Newman

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Nichols	Peters	Pierson Jr	Pietzman	Pogue
Quade	Razer	Roberts	Rowland 29	Runions
Shumake	Smith 85	Stevens 46	Taylor	Unsicker
Walker 74	Wessels	Wood		

PRESENT: 000

ABSENT WITH LEAVE: 013

Beard	Dunn	Engler	Fitzwater 144	Higdon
Kolkmeier	Miller	Neely	Redmon	Roden
Spencer	Vescovo	Wilson		

VACANCIES: 001

Representative Fitzwater (49) declared the bill passed.

Speaker Richardson resumed the Chair.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 283, as amended**.

Senators: Hegeman, Wieland, Schatz, Rizzo and Sifton

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 139, as amended**.

Senators: Sater, Riddle, Rowden, Schupp and Sifton

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 355, 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 **House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 1 to House Amendment No. 4 and House Amendment No. 4, as amended**, to **SB 222** and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 225, 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 112, as amended**, and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 501, 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 421, 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 SS SB 35, 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 11, 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 **House Amendment No. 1, House Amendment No. 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 2 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment No. 1 to House Amendment No. 4 and House Amendment No. 4, as amended, to SCS #2 SB 128** and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 26**.

In which the concurrence of the House is respectfully requested.

#### **BILLS CARRYING REQUEST MESSAGES**

**HCS SB 225, as amended**, relating to transportation, was taken up by Representative Davis.

Representative Davis moved that the House refuse to recede from its position on **HCS SB 225, as amended**, and grant the Senate a conference.

Which motion was adopted.

**SB 222, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 1 to House Amendment No. 4 and House Amendment No. 4, as amended**, relating to motor vehicles, was taken up by Representative Korman.

Representative Korman moved that the House refuse to recede from its position on **House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 1 to House Amendment No. 4 and House Amendment No. 4, as amended**, to SB 222, and grant the Senate a conference.

Which motion was adopted.

**HCS SCS SB 355, as amended**, relating to higher education, was taken up by Representative Alferman.

Representative Alferman moved that the House refuse to recede from its position on **HCS SCS SB 355, as amended**, and grant the Senate a conference.

Which motion was adopted.

**HCS SCS SB 112, as amended**, relating to political subdivisions, was taken up by Representative Tate.

Representative Tate moved that the House refuse to recede from its position on **HCS SCS SB 112, as amended**, and grant the Senate a conference.

Which motion was adopted.

**HCS SB 501, as amended**, relating to health care, was taken up by Representative Stephens (128).

Representative Stephens (128) moved that the House refuse to recede from its position on **HCS SB 501, as amended**, and grant the Senate a conference.

Which motion was adopted.

**HCS SCS SB 421, as amended**, relating to political subdivisions, was taken up by Representative Kidd.

Representative Kidd moved that the House refuse to recede from its position on **HCS SCS SB 421, as amended**, and grant the Senate a conference.

Which motion was adopted.

**HCS SS SB 35, as amended**, relating to the department of natural resources, was taken up by Representative Ross.

Representative Ross moved that the House refuse to recede from its position on **HCS SS SB 35, as amended**, and grant the Senate a conference.

Which motion was adopted.

**HCS SCS SB 11, as amended**, relating to political subdivisions, was taken up by Representative Fraker.

Representative Fraker moved that the House refuse to recede from its position on **HCS SCS SB 11, as amended**, and grant the Senate a conference.

Which motion was adopted.

**SCS#2 SB 128, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 2 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment No. 1 to House Amendment No. 4 and House Amendment No. 4, as amended**, relating to the judicial proceedings, was taken up by Representative Roeber.

Representative Roeber moved that the House refuse to recede from its position on **House Amendment No. 1, House Amendment No. 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 2 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment No. 1 to House Amendment No. 4 and House Amendment No. 4, as amended**, to **SCS#2 SB 128** and grant the Senate a conference.

Which motion was adopted.

#### **APPOINTMENT OF CONFERENCE COMMITTEES**

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

**HCS SCS SB 11:** Representatives Fraker, Alferman, Mathews, Wessels and McCreery  
**HCS SS SB 35:** Representatives Ross, Christofanelli, Kelly (141), Pierson Jr. and Rowland (29)  
**HCS SCS SB 112:** Representatives Tate, Fraker, Bondon, Adams and McCreery  
**SCS#2 SB 128:** Representatives Roeber, McGaugh, Plocher, Mitten and Ellebracht  
**SB 222:** Representatives Korman, Reiboldt, Tate, McCreery and Razer  
**HCS SB 225:** Representatives Davis, Fraker, McGaugh, Runions and Burns  
**HCS SCS SB 355:** Representatives Alferman, Lichtenegger, Rowland (155), Kendrick and Dunn  
**HCS SCS SB 421:** Representatives Kidd, Engler, Kelley (127), Rowland (29) and Anders  
**HCS SB 501:** Representatives Stephens (128), Neely, Wiemann, Walker (74) and Stevens (46)

#### **COMMITTEE REPORTS**

**Committee on Judiciary**, Chairman McGaugh reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 724**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

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Ayes (9): Corlew, DeGroot, Ellebracht, Gregory, McGaugh, Mitten, Roberts, Toalson Reisch and White

Noes (0)

Absent (2): Beard and Marshall

Mr. Speaker: Your Committee on Judiciary, to which was referred **SB 204**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (10): Corlew, DeGroot, Ellebracht, Gregory, Marshall, McGaugh, Mitten, Roberts, Toalson Reisch and White

Noes (0)

Absent (1): Beard

**Committee on Rules - Administrative Oversight**, Chairman Barnes (60) reporting:

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **HCS SB 18**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (10): Austin, Barnes (60), Berry, Carpenter, Corlew, Mathews, Roeber, Sommer, Vescovo and Wiemann

Noes (3): Arthur, Runions and Unsicker

Absent (1): Engler

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **HCS SB 125**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (8): Austin, Barnes (60), Engler, Mathews, Roeber, Sommer, Vescovo and Wiemann

Noes (5): Arthur, Carpenter, Corlew, Runions and Unsicker

Absent (1): Berry

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **HCS SCS SBs 300 & 306**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (11): Arthur, Austin, Barnes (60), Berry, Carpenter, Corlew, Mathews, Roeber, Sommer, Vescovo and Wiemann

Noes (2): Runions and Unsicker

Absent (1): Engler

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **HCS SB 434**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:



Ayes (11): Arthur, Austin, Barnes (60), Berry, Carpenter, Corlew, Mathews, Roeber, Sommer, Vescovo and Wiemann

Noes (2): Runions and Unsicker

Absent (1): Engler

**Committee on Rules - Legislative Oversight, Chairman Rhoads reporting:**

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

Ayes (11): Brown (94), Butler, Curtis, Dogan, Fitzwater (49), Haahr, Lavender, Rhoads, Shull (16), Shumake and Wessels

Noes (2): Bondon and Eggleston

Absent (1): Rone

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCS SCS SB 84**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (13): Bondon, Brown (94), Butler, Curtis, Dogan, Eggleston, Fitzwater (49), Haahr, Lavender, Rhoads, Shull (16), Shumake and Wessels

Noes (0)

Absent (1): Rone

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCS SB 326**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (13): Bondon, Brown (94), Butler, Curtis, Dogan, Eggleston, Fitzwater (49), Haahr, Lavender, Rhoads, Shull (16), Shumake and Wessels

Noes (0)

Absent (1): Rone

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCS SB 332**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (13): Bondon, Brown (94), Butler, Curtis, Dogan, Eggleston, Fitzwater (49), Haahr, Lavender, Rhoads, Shull (16), Shumake and Wessels

Noes (0)

Absent (1): Rone

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCS SB 363**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (13): Bondon, Brown (94), Butler, Curtis, Dogan, Eggleston, Fitzwater (49), Haahr, Lavender, Rhoads, Shull (16), Shumake and Wessels

Noes (0)

Absent (1): Rone

## **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**HCS SB 18** - Fiscal Review

**HCS SS SB 22** - Fiscal Review

**HCS SB 125** - Fiscal Review

**HCS SB 332** - Fiscal Review

## **COMMUNICATIONS**

May 10, 2017

D. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
201 West Capitol Avenue  
Jefferson City, MO 65101

Re: Possible Personal Interest in Legislation

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation in which the House of Representatives may vote during the legislative session. My wife is a member of the Public School Retirement System (PSRS/PEERS).

In compliance with Section 105.461, RSMo, please publish this report in the Journal of the House.

Sincerely,

/s/ Justin Alferman  
State Representative  
District 61

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE SUBSTITUTE  
FOR  
SENATE BILL NO. 34**

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 34, with House Amendments Nos. 1, 2, 3, & 5, House Substitute Amendment No. 1 for House Amendment No. 6, Parts I & II of House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 6, House Amendment Nos. 2 & 3 to House Substitute Amendment No. 1 to House Amendment No. 6, House Substitute Amendment No. 1 for House Amendment No. 6 as amended, House Amendment Nos. 1 & 2 to House Amendment No. 7, House Amendment No. 7 as amended, House Amendments Nos. 1 & 2 to House Amendment No. 8, House Amendment No. 8 as amended, House Amendment No. 9, House Amendments No. 1 & 2 to House Amendment No. 10, House Amendment No. 10 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 Substitute for Senate Bill No. 34, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 34;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 34, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Mike Cunningham  
/s/ Dan Hegeman  
/s/ Dave Schatz  
/s/ Jamilah Nasheed  
/s/ Jason Holsman

FOR THE HOUSE:

/s/ Shawn Rhoads  
/s/ Justin Hill  
/s/ Dan Houx  
Steven Roberts  
/s/ Karla May

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE SUBSTITUTE  
FOR  
SENATE BILL NO. 62**

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 62, with House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1 as amended, House Amendment Nos. 2, 3, 4, 5, and 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 62, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 62;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 62 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Dan Hegeman  
/s/ Mike Cunningham  
/s/ Brian Munzlinger  
/s/ Jacob Hummel  
/s/ Jill Schupp

FOR THE HOUSE:

/s/ James "Rusty" Black  
/s/ Nate Walker, 3rd  
/s/ Patricia Pike  
/s/ Judy Morgan  
/s/ Richard Brown, 27th

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE BILL NO. 64**

The Conference Committee appointed on Senate Bill No. 64, with House Amendment Nos. 1, 2, & 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 House recede from its position on Senate Bill No. 64, as amended;
2. That the Senate recede from its position on Senate Bill No. 64;
3. That the attached Conference Committee Substitute for Senate Bill No. 64, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Dave Schatz  
/s/ Paul Wieland  
/s/ Brian Munzlinger  
/s/ Jacob Hummel  
/s/ Shalonn "Kiki" Curls

FOR THE HOUSE:

/s/ Justin Alferman  
/s/ Bill Reiboldt  
/s/ Lyndall Fraker  
/s/ Robert Burns  
/s/ Kip Kendrick

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 111**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 111, with House Amendment No. 1, House Amendment Nos. 1, 2, & 3 to House Amendment No. 2, House Amendment No. 2 as amended, House Amendment Nos. 3 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 House Committee Substitute for Senate Bill No. 111, as amended;
2. That the Senate recede from its position on Senate Bill No. 111;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 111, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Dan Hegeman  
/s/ David Sater  
/s/ Wayne Wallingford  
/s/ John Rizzo  
/s/ Scott Sifton

FOR THE HOUSE:

/s/ Sandy Crawford  
/s/ Rob Vescovo  
/s/ Dean Plocher  
/s/ Tracy McCreery  
/s/ Clem Smith, 85th

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 302**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 302, with House Amendment Nos. 1, 2, 3, 4, & 5, House Amendment No. 1 to House Amendment No. 6, House Amendment No. 6 as amended, House Amendment Nos. 7, 8, 9, and 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 House recede from its position on House Committee Substitute for Senate Bill No. 302, as amended;
2. That the Senate recede from its position on Senate Bill No. 302;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 302, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Paul Wieland  
/s/ Ed Emery  
/s/ Mike Cunningham  
/s/ Gina Walsh  
/s/ Jamilah Nasheed

FOR THE HOUSE:

/s/ Becky Ruth  
/s/ Don Rone  
/s/ Rocky Miller  
Tracy McCreery  
/s/ Doug Beck

**REFERRAL OF CONFERENCE COMMITTEE REPORTS**

The following Conference Committee Reports were referred to the Committee indicated:

**CCR HCS SS SB 34, as amended** - Fiscal Review  
**CCR HCS SS SB 62, as amended** - Fiscal Review  
**CCR SB 64, as amended** - Fiscal Review  
**CCR HCS SB 111, as amended** - Fiscal Review  
**CCR HCS SB 302, as amended** - Fiscal Review

**ADJOURNMENT**

On motion of Representative Cierpiot, the House adjourned until 10:00 a.m., Thursday, May 11, 2017.

## **COMMITTEE HEARINGS**

### **BUDGET**

Thursday, May 11, 2017, 8:30 AM, House Hearing Room 3.  
Executive session may be held on any matter referred to the committee.  
Annual review of state tax credits.

### **FISCAL REVIEW**

Thursday, May 11, 2017, 8:30 AM, House Hearing Room 6.  
Executive session may be held on any matter referred to the committee.

### **FISCAL REVIEW**

Friday, May 12, 2017, 8:30 AM, House Hearing Room 6.  
Executive session may be held on any matter referred to the committee.

### **LEGISLATIVE TASK FORCE ON DYSLEXIA**

Thursday, May 18, 2017, 9:00 AM, House Hearing Room 7.  
Executive session may be held on any matter referred to the committee.  
We will be hearing testimony on teacher preparation and professional development.

### **RULES - ADMINISTRATIVE OVERSIGHT**

Thursday, May 11, 2017, 5:00 PM or upon adjournment (whichever is later), House Hearing Room 6.  
Executive session may be held on any matter referred to the committee.  
Be prepared to take action on any bill referred to committee.

### **RULES - LEGISLATIVE OVERSIGHT**

Thursday, May 11, 2017, 7:30 PM, House Hearing Room 1.  
Executive session will be held: SB 99, HCS SB 195  
Executive session may be held on any matter referred to the committee.  
Location may change.

## **HOUSE CALENDAR**

SEVENTY-SECOND DAY, THURSDAY, MAY 11, 2017

### **HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 29 - Dohrman  
HJR 2 - Shumake  
HJR 18 - Moon

### **HOUSE COMMITTEE BILLS FOR PERFECTION**

HCB 2 - Reiboldt  
HCS HCB 8 - McGaugh  
HCB 9 - McGaugh

**HOUSE BILLS FOR PERFECTION**

HB 459 - Kolkmeyer  
HB 463 - Kolkmeyer  
HB 39 - Higdon  
HB 182 - Hurst  
HCS HB 326 - Miller  
HB 358 - Bahr  
HCS HB 415 - McGaugh  
HB 426 - Cornejo  
HCS HBs 908 & 757 - Lichtenegger  
HB 708 - Hill  
HB 56 - Love  
HB 110 - Davis  
HCS HB 574 - Davis  
HCS HB 677 - Rowland (155)  
HB 738 - Kolkmeyer  
HB 799 - Lauer  
HCS HB 890 - Mathews  
HB 114 - McGaugh  
HB 301 - Hill  
HB 305 - Pike  
HB 322 - Neely  
HCS HB 379 - Plocher  
HCS HB 436 - Hill  
HB 705 - Cross  
HCS HB 754 - Schroer  
HCS HB 827 - DeGroot  
HB 889 - Rehder  
HCS HB 136 - Spencer  
HCS HB 351 - McGaugh  
HB 352 - Eggleston  
HB 603 - Rone  
HB 897 - Houghton  
HB 102 - Swan  
HB 257 - Pfautsch  
HCS HB 291 - Crawford  
HB 356 - Bahr  
HCS HB 432 - Conway (10)  
HCS HB 611 - Carpenter  
HCS HB 717 - Curtman  
HB 723 - Walker (3)  
HB 899 - Brown (57)  
HB 1008 - Kelly (141)  
HB 187 - Swan  
HCS HB 226 - Hubrecht



HB 254 - Swan  
HB 268 - Brattin  
HCS HB 405 - Hubrecht  
HCS HB 642 - Kelly (141)  
HCS HB 696 - Kelly (141)  
HB 768 - Lant  
HB 790 - Wiemann  
HB 794 - Walker (3)  
HCS HB 878 - Dogan  
HB 888 - Basye  
HB 906 - DeGroot  
HCS HB 957 - Rhoads  
HCS#2 HBs 48, 69, 495 & 589 - Lichtenegger  
HB 287 - Beard  
HB 457 - Swan  
HB 665 - Walker (3)  
HB 761 - Barnes (60)  
HB 486 - Dunn  
HB 397 - Nichols  
HCS HBs 1007 & 937 - Evans  
HB 637 - Helms  
HB 472 - Smith (85)  
HB 630 - Taylor

#### **HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCR 48 - Kidd  
HCR 20 - Kidd  
HCR 36 - Walker (74)  
HCR 30 - May

#### **HOUSE BILLS FOR THIRD READING**

HB 401 - McDaniel  
HCS HB 654 - Rowland (155)  
HCS HB 1116 - Shaul (113)

#### **HOUSE BILLS FOR THIRD READING - CONSENT**

HCS HB 914 - Kidd

#### **SENATE CONCURRENT RESOLUTIONS FOR SECOND READING**

SCR 26

**SENATE BILLS FOR THIRD READING - CONSENT**

SCS SB 52, E.C. - Frederick

**SENATE BILLS FOR THIRD READING**

SB 45 - Corlew  
SCS SB 108 - Davis  
SB 329 - Kolkmeier  
SS SCS SB 16 - Engler  
SB 194, as amended, (Fiscal Review 5/2/17), E.C. - Trent  
SCS SB 229 - Fitzwater (49)  
SS SB 31 - McGaugh  
SCS SB 82, E.C. - Shaul (113)  
SCS SB 93 - Cierpiot  
HCS SB 95 - Fraker  
HCS SCS SB 237 - Austin  
SCS SB 279 - Davis  
SB 296, E.C. - Baringer  
SCS SB 240 - Mathews  
HCS SCS SB 309 - Walker (3)  
SCS SB 404 - Alferman  
SCS SB 88 - McGaugh  
SB 395 - Sommer  
SCS SB 217 - Dogan  
HCS SB 134 (Fiscal Review 5/2/17) - Mosley  
HCS SCS SB 399 - Korman  
SB 65 - Ross  
HCS SS SB 124 - Austin  
SS SB 293 - Engler  
SB 376 - Dohrman  
SS SCS SB 49 - Haefner  
SB 248 - Love  
HCS SB 478 - Barnes (60)  
SS SB 490 - Frederick  
HCS SB 363 - Curtis  
HCS SB 326 - McCaherty  
HCS SB 332 (Fiscal Review 5/10/17) - Crawford  
HCS SCS SB 84 - Dogan  
HCS SB 125 (Fiscal Review 5/10/17) - Ross  
HCS SB 18 (Fiscal Review 5/10/17) - McCaherty  
HCS SS SB 22 (Fiscal Review 5/10/17), E.C. - Matthiesen

**SENATE CONCURRENT RESOLUTIONS FOR THIRD READING**

SCR 4 - Frederick  
HCS SCR 14 - Basye  
SCR 21 - Brattin

**HOUSE BILLS WITH SENATE AMENDMENTS**

SS SCS HCS HB 292 - Crawford  
SS HCS HBs 90 & 68, as amended, (motion to adopt SS, as amended, pending) - Rehder  
SS SCS HB 93 - Lauer  
SS#2 HCS HB 151, as amended, E.C. - Corlew

**BILLS CARRYING REQUEST MESSAGES**

SS HCB 3, (Senate refuses to recede/request House take up and pass SS HCB 3) - Fitzpatrick  
SB 411, with HA 1, HA 2, HA 1 HA 3, HA 3, a.a., HA 4, HA 1 HA 5, HA 5, a.a., (Request House recede/take up and pass SB 411) - Tate

**BILLS IN CONFERENCE**

SCS HCS HB 19 - Fitzpatrick  
CCR SB 8, with HA 1, HA 2, HA 1 HA 3, HA 3, a.a., HA 4, HA 5, HA 6, HA 7, HA 1 HA 8, HA 8, a.a., HA 1 HA 9, HA 2 HA 9, HA 3 HA 9, HA 9, a.a., E.C. - Rhoads  
CCR HCS SS SB 34, as amended, (Fiscal Review 5/10/17), E.C. - Rhoads  
CCR SB 50, with HA 1, HA 2, HA 3, HA 4, HA 1 HA 5, HA 5, a.a., HA 1 HA 6, HA 6, a.a., HA 1 HA 7, HA 7, a.a., HA 8, HA 9, HA 1 HA 10, HA 10, a.a., HA 11, HA 1 HA 12, HA 12, a.a., HA 13, HA 14, HA 15 - Frederick  
CCR SB 64, with HA 1, HA 2, HA 3, (Fiscal Review 5/10/17) - Alferman  
CCR HCS SB 111, as amended, (Fiscal Review 5/10/17) - Crawford  
CCR HCS SS SB 62, as amended, (Fiscal Review 5/10/17) - Black  
CCR HCS SB 302, as amended, (Fiscal Review 5/10/17) - Ruth  
HCS SCS SB 139, as amended - Wood  
HCS SB 283, as amended - Andrews  
HCS SB 225, as amended - Davis  
SB 222, with HA 1, HA 2, HA 3, HA 1 HA 4, and HA 4, a.a. - Korman  
HCS SCS SB 355, as amended - Alferman  
HCS SCS SB 112, as amended - Tate  
HCS SB 501, as amended - Stephens (128)  
HCS SCS SB 421, as amended - Kidd  
HCS SS SB 35, as amended - Ross  
HCS SCS SB 11, as amended - Fraker  
SCS#2 SB 128, with HA 1, HA 2, HA 1 HA 3, HA 2 HA 3, HA 3, a.a., HA 1 HA 4, HA 4, a.a. - Roeber

**HOUSE RESOLUTIONS**

HR 11 - Peters

**ACTIONS PURSUANT TO ARTICLE IV, SECTION 27**

HCS HB 2001 - Fitzpatrick

CCS SCS HCS HB 2002 - Fitzpatrick

CCS SCS HCS HB 2003 - Fitzpatrick

CCS SCS HCS HB 2004 - Fitzpatrick

CCS SCS HCS HB 2005 - Fitzpatrick

CCS SCS HCS HB 2006 - Fitzpatrick

CCS SCS HCS HB 2007 - Fitzpatrick

CCS SCS HCS HB 2008 - Fitzpatrick

CCS SCS HCS HB 2009 - Fitzpatrick

CCS SCS HCS HB 2010 - Fitzpatrick

CCS SCS HCS HB 2011 - Fitzpatrick

CCS SCS HCS HB 2012 - Fitzpatrick

HCS HB 2013 - Fitzpatrick

SCS HCS HB 2017 - Fitzpatrick

SS SCS HCS HB 2018 - Fitzpatrick