

# JOURNAL OF THE HOUSE

Second Regular Session, 95th GENERAL ASSEMBLY

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SIXTY-FOURTH DAY, TUESDAY, MAY 4, 2010

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Msgr. Donald W. Lammers.

Almighty God, You are Lord of all.

We pray for the gift of understanding as voices from all sides reach our ears. Help us to hear clearly all points of view. When one need is promoted, give us the wisdom to see its effects on other needs.

When time for making decisions comes, give us discernment to judge what is truly best for the people.

We pray in Your Holy Name. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Andrew Mueller, Patrick O'Connor, Sarah Hummel, Madeline May Reardon, Katie Hazelton, Riley Sullivan, Harley Pyles, Jackson Reynolds and Danielle Lewis.

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

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2899 through House Resolution No. 3017

## MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HB 1442, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Nodler, Crowell, Griesheimer, Green and Callahan.

## THIRD READING OF SENATE BILL

**HCS SS SCS SB 605**, relating to county classifications and sales tax, was taken up by Representative Stevenson.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 10, Section 137.016, Line 77, by inserting after all of said line the following:

**“246.310. The provisions of section 262.802 shall not apply to any drainage district or levee district formed under the laws of this state.”; and**

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 3, Section 48.030, Line 25, by inserting after all of said line the following:

**“50.622. 1. Any county may amend the annual budget during any fiscal year in which:**

**(1) 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 or anticipated when the budget was adopted; or**

**(2) The county experiences a verifiable decline in funds, and such amount or source, including but not limited to federal or state grants or private donations, could not be estimated or anticipated when the budget was adopted; provided that, any decrease in appropriations shall be allocated among the county departments, offices, institutions, commissions, and boards in a fair and equitable manner under all the circumstances, and shall not unduly affect any one department, office, institution, commission, or board.**

**2. Any decrease in an appropriation authorized under subdivision (2) of subsection 1 of this section shall not impact any dedicated fund otherwise provided by law.**

**3. 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, except that the notice provided for in section 50.600 shall be extended to thirty days for purposes of this section.**

**4. The general assembly shall review subdivision (2) of subsection 1 of this section and subsection 2 of this section in the regular session of the general assembly beginning in January, 2015, for the purpose of determining whether such provisions are no longer applicable and should be repealed.**

**50.830. 1. Except as provided in subsection 2 of this section, following each quarter of the fiscal year, the county shall hold at least one public hearing to review the budget, including the records of the receipts and disbursements of every office of the county which receives or disburses money on behalf of the county. At least five days' notice of the hearing shall be given.**

**2. This section shall not apply to any county that reviews the county budget on a monthly basis.**

**3. The general assembly shall review this section in the regular session of the general assembly beginning in January, 2015, for the purpose of determining whether the section is no longer applicable and should be repealed.”; and**

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

**HCS SS SCS SB 605, as amended, with House Amendment No. 2, pending, was laid over.**

Speaker Richard assumed the Chair.

## APPOINTMENT OF CONFERENCE COMMITTEE

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

**SS SCS HB 1442:** Representatives Jones (89), Schoeller, Day, Skaggs and Roorda

Speaker Pro Tem Pratt resumed the Chair.

## THIRD READING OF SENATE BILLS

**HCS SS SCS SB 605, as amended, with House Amendment No. 2, pending**, relating to county classifications and sales tax, was again taken up by Representative Stevenson.

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

Representative Jones (89) offered **House Amendment No. 3**.

### *House Amendment No. 3*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Section 137.016, Page 10, Line 77, by inserting after all of said section, page, and line the following:

**“Section 1. All gratuities, whether mandatory or voluntary, provided in conjunction with the receipt of property or services regardless of whether such property or service may be subject to tax under the provisions of chapter 144, are specifically exempted from the provisions of local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745.”; and**

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

On motion of Representative Jones (89), **House Amendment No. 3** was adopted.

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

### *House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 9, Section 137.016, Line 16, by inserting after the word, “Constitution”; the following:

**“. Agricultural and horticultural property shall also include any sawmill or planing mill that alters logs from their original form and defined in the U.S. Department of Labor's Standard Industrial Classification (SIC) Manual under Industry Group 242 with the SIC numbers 2421, 2426, or 2429"; and**

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

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

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

AMEND House Amendment No. 4 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 1, Line 7, by inserting after all of said line the following:

‘Further amend said bill, Page 9, Section 137.016, Lines 21-22, by deleting the words “[available] **which, when in use, are primarily used**” and inserting in lieu thereof the word “available”; and’; and

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

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

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

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

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 3, Section 48.030, Line 25, by inserting after all of said line the following:

“67.1000. 1. The governing body of any county or of any city which is the county seat of any county or which now or hereafter has a population of more than three thousand five hundred inhabitants and which has heretofore been authorized by the general assembly, or of any other city which has a population of more than eighteen thousand and less than forty-five thousand inhabitants located in a county of the first classification with a population over two hundred thousand adjacent to a county of the first classification with a population over nine hundred thousand, may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or county, which shall be not more than [five] **seven** 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 an election permitted under section 115.123, RSMo, a proposal to authorize the governing body of the city or county to impose a tax under the provisions of this section and section 67.1002. The tax authorized by this section and section 67.1002 shall be in addition to the charge for the sleeping room 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 a convention and visitors bureau which shall be a general not-for-profit organization with whom the city or county has contracted, and which is established for the purpose of promoting the city or county as a convention, visitor and tourist center. Such tax shall be stated separately from all other charges and taxes.

2. In any county of the third classification without a township form of government and with more than forty-one thousand one hundred but fewer than forty-one thousand two hundred inhabitants, "transient guests", as used in this section and section 67.1002, means a person or persons who occupy a room or rooms in a hotel or motel for ninety days or less during any calendar quarter.”; and

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

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

Representative Brown (30) offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 3, Section 48.030, Line 25, by inserting after all of said line the following:

“49.272. 1. The county commission of any **of the following counties may impose a civil fine as provided in this section:**

(1) Any county of the first classification without a charter form of government and with more than one hundred thirty-five thousand four hundred but [less] **fewer** than one hundred thirty-five thousand five hundred inhabitants[, and in];

(2) Any county of the first classification without a charter form of government having a population of at least eighty-two thousand inhabitants, but [less] **fewer** than eighty-two thousand one hundred inhabitants[.];

(3) 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[.];

(4) Any county of the first classification with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants[, and];

(5) Any county of the first classification with more than two hundred forty thousand three hundred but [less] **fewer** than two hundred forty thousand four hundred inhabitants[.];

(6) **Any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants.**

2. **Any county listed in subsection 1 of this section** which has an appointed county counselor and which adopts or has adopted rules, regulations or ordinances under authority of a statute which prescribes or authorizes a violation of such rules, regulations or ordinances to be a misdemeanor **or infraction** punishable as provided by law, may by rule, regulation or ordinance impose a civil fine not to exceed one thousand dollars for each violation. Any fines imposed and collected under such rules, regulations or ordinances shall be payable to the county general fund to be used to pay for the cost of enforcement of such rules, regulations or ordinances.”; and

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

On motion of Representative Brown (30), **House Amendment No. 6** was adopted.

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

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 10, Section 137.016, Line 77, by inserting after all of said line the following:

"137.243. 1. To determine the "projected tax liability" required by subsections 2 and 3 of section 137.180, subsection 2 of section 137.355, and subsection 2 of section 137.490, the assessor, on or before March first of each **odd-numbered** tax year, shall provide the clerk with the assessment book which for this purpose shall contain the real estate values for that year, the prior year's state assessed values, and the prior year's personal property values. On or before March fifteenth, the clerk shall make out an abstract of the assessment book showing the aggregate amounts of different kinds of real, personal, and other tangible property and the valuations of each for each political subdivision in the county, or in the city for any city not within a county, entitled to levy ad valorem taxes on property except for municipalities maintaining their own tax or assessment books. The governing body of each political subdivision or a person designated by the governing body shall use such information to informally project a nonbinding tax levy for that year and return such projected tax levy to the clerk no later than April eighth. The clerk shall forward such information to the collector who shall then calculate and, no later than April thirtieth, provide to the assessor the projected tax liability for each real estate parcel for which the assessor intends to mail a notice of increase pursuant to sections 137.180, 137.355, and 137.490.

2. Political subdivisions located at least partially within two or more counties, which are subject to divergent time requirements, shall comply with all requirements applicable to each such county and may utilize the most recent available information to satisfy such requirements.

3. Failure by an assessor to timely provide the assessment book or notice of increased assessed value, as provided in this section, may result in the state tax commission withholding all or a part of the moneys provided under section 137.720 and all state per-parcel reimbursement funds which would otherwise be made available to such assessor.

4. Failure by a political subdivision to provide the clerk with a projected tax levy in the time prescribed under this section shall result in a twenty percent reduction in such political subdivision's tax rate for the tax year, unless such failure is a direct result of a delinquency in the provision of, or failure to provide, information required by this section by the assessor or the clerk. If a political subdivision fails to provide the projected tax rate as provided in this section, the clerk shall notify the state auditor who shall, within seven days of receiving such notice, estimate a nonbinding tax levy for such political subdivision and return such to the clerk. The clerk shall notify the state auditor of any applicable reduction to a political subdivision's tax rate.

5. Any taxing district wholly within a county with a township form of government may, through a request submitted by the county clerk, request that the state auditor's office estimate a nonbinding projected tax rate based on the information provided by the county clerk. The auditor's office shall return the projected tax rate to the county clerk no later than April eighth.

6. The clerk shall deliver the abstract of the assessment book to each taxing district with a notice stating that their projected tax rates be returned to the clerk by April eighth."; and

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

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

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

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 8, Section 94.577, Line 134, by inserting immediately after said line the following:

**“94.1011. 1. The governing body of any city of the third classification with more than three thousand five hundred but fewer than three thousand six hundred inhabitants may impose, by order or ordinance, a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof. The tax shall be not more than five percent per occupied room per night, and shall be imposed solely for the purpose of economic development initiatives to include the construction, maintenance, and repair of a multipurpose conference and convention center. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and shall be stated separately from all other charges and taxes.**

**2. No such order or ordinance shall become effective unless the governing body of the city submits to the voters of the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the city and such question is approved by a majority of the qualified voters voting on the question.**

**3. All revenue generated by the tax shall be collected by the city collector of revenue, shall be deposited in a special trust fund, and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund that are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds. Any interest and moneys earned on such investments shall be credited to the fund.**

**4. The governing body of any city that has adopted the tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax authorized in this section shall remain effective until**

the question is resubmitted under this section to the qualified voters of the city, and the repeal is approved by a majority of the qualified voters voting on the question.

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

6. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

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

Representative Salva 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 Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 1, Line 5, by inserting before all of said line the following:

‘Further amend said bill, Page 8, Section 94.577, Line 134, by inserting after said line the following:

“94.834. 1. The governing body of **the following cities may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof as provided in this section:**

(1) Any city of the third classification with more than twelve thousand four hundred but less than twelve thousand five hundred inhabitants[, the governing body of];

(2) Any city of the fourth classification with more than two thousand three hundred but less than two thousand four hundred inhabitants and located in any county of the fourth classification with more than thirty-two thousand nine hundred but less than thirty-three thousand inhabitants[, and the governing body of];

(3) Any city of the fourth classification with more than one thousand six hundred but less than one thousand seven hundred inhabitants and located in any county of the fourth classification with more than twenty-three thousand seven hundred but less than twenty-three thousand eight hundred inhabitants [may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof, which];

**(4) 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.**

2. **Such tax** shall be 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 submits to the voters of the city at a state general or primary election a proposal to authorize the governing body of the city to impose a tax pursuant to this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and the proceeds of such tax shall be used by the city solely for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

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

Shall ..... (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in ..... (name of city) at a rate of ..... (insert rate of percent) percent for the sole purpose of promoting tourism?

YES  NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted pursuant to this section to the qualified voters of the city and such question is approved by a majority of the qualified voters of the city voting on the question.

[3.] 4. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and'; and

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

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

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

Representative Brown (30) offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 3, Section 48.030, Line 25, by inserting after all of said line the following:

"50.1020. 1. The board may accept gifts, donations, grants and bequests from private or public sources to the county employees' retirement system fund.

2. No state moneys shall be used to fund sections 50.1000 to 50.1300.

3. In all counties, except counties [of the first classification] having a charter form of government and any city not within a county, the penalties provided in sections 137.280 and 137.345, RSMo, shall be deposited in the county employees' retirement fund. Any interest derived from the collection and investment of any part of the penalties shall also be credited to the county employees' retirement fund. All penalties and interest shall be transmitted to the board monthly by the county treasurer. The county assessor shall maintain a written or electronic log reflecting number of assessment notices sent, number of personal property lists that were not returned by the deadline established by law, number of penalties waived and the reason for waiving such penalty.

4. Other provisions of law to the contrary notwithstanding, pending final settlement of taxes collected by the county collector, the county collector shall deposit all money collected in interest-bearing deposits within twenty-four hours after the close of business each day collections are received, except on Fridays of each week or on days prior to a state or national holiday, in a financial institution and all interest or other gain on such deposits shall be paid to the county treasurer and shall be credited to the political subdivision for which the funds were collected.

5. Each county clerk **or a designee of the county clerk who is responsible for payroll and personnel records**, except in counties [of the first classification] having a charter form of government and any city not within a county, shall make the payroll deductions mandated pursuant to subsection 2 or 3 of section 50.1040, and the county treasurer shall transmit these moneys monthly to the board for deposit into the county employees' retirement fund.

6. Each county, except counties [of the first classification] with a charter form of government and any city not within a county, shall deposit in the county employees' retirement fund each payroll period ending after December 31, 2002, an amount equal to four percent of the compensation paid in such payroll period to each employee hired or rehired by that county on or after February 25, 2002. Such deposit shall be paid out of the county funds or, at the county's election, in whole or in part through payroll deduction as described in subsection 2 of section 50.1040. All amounts due pursuant to this subsection shall be transmitted by the county treasurer to the county employees' retirement fund immediately following the payroll period for which such amounts are due. Each county clerk **or other county official responsible for payroll and personnel records** shall maintain a written or electronic log reflecting the employees hired or rehired by such county on or after February 25, 2002, the amount of each such employee's compensation, and the dollar amount due each payroll period by the county pursuant to this subsection with respect to each such employee, and shall provide such log to the county employees' retirement fund immediately following the payroll period for which such amounts are due."; and

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

Representative Franz 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 Substitute for Senate Committee Substitute for Senate Bill No. 605, Page 1, Line 8, by deleting the brackets around the words, “of the first classification”; and

Further amend said amendment, page, Line 24, by deleting the brackets around the words, “of the first classification”; and

Further amend said amendment, page, Line 28, by deleting the brackets around the words, “of the first classification”; and

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

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

On motion of Representative Brown (30), **House Amendment No. 9, as amended**, was adopted.

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

Representative Burnett raised a point of order that **House Amendment No. 10** was not timely distributed.

The Chair ruled the point of order well taken.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Dixon	Dugger	Emery
Ervin	Faith	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Icet	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Lipke	Loehner
McGhee	McNary	Molendorp	Munzlinger	Nance
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller

1233 *Journal of the House*

Self	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wright	Zerr	Mr Speaker

NOES: 069

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Casey	Chappelle-Nadal	Colona
Conway	Corcoran	Curls	Dougherty	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hoskins 80	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeBlanc	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meiners
Morris	Nasheed	Newman	Norr	Oxford
Pace	Quinn	Roorda	Salva	Scavuzzo
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Still	Storch	Swinger	Talboy	Todd
Vogt	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 008

Carter	Diehl	Dusenberg	Hughes	Meadows
Rucker	Sander	Spreng		

VACANCIES: 001

On motion of Representative Stevenson, **HCS SS SCS SB 605, as amended**, was adopted.

On motion of Representative Stevenson, **HCS SS SCS SB 605, as amended**, was read the third time and passed by the following vote:

AYES: 124

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Corcoran	Cox
Curls	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Emery	Englund	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hummel	Icet	Jones 63	Jones 89	Kander
Keeney	Kelly	Kingery	Kirkton	Komo
Kratky	Kuessner	Lair	Lampe	Leara
Liese	McClanahan	McDonald	McGhee	McNary
McNeil	Meiners	Molendorp	Morris	Munzlinger
Nasheed	Newman	Nieves	Nolte	Norr
Pace	Parkinson	Pollock	Riddle	Roorda
Rucker	Ruzicka	Salva	Sater	Scavuzzo

Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoemehl	Schupp	Self	Shively	Skaggs
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Vogt
Wallace	Walsh	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 130	Witte
Wright	Yaeger	Zerr	Mr Speaker	

NOES: 028

Burnett	Calloway	Cunningham	Davis	Ervin
Hoskins 80	Jones 117	Koenig	Kraus	Largent
LeBlanc	LeVota	Lipke	Loehner	Low
Nance	Oxford	Parson	Pratt	Quinn
Schoeller	Silvey	Smith 14	Smith 150	Talboy
Walton Gray	Wilson 119	Zimmerman		

PRESENT: 001

Tracy

ABSENT WITH LEAVE: 009

Carter	Dusenberg	Hoskins 121	Hughes	Meadows
Ruestman	Sander	Spreng	Viebrock	

VACANCIES: 001

Speaker Pro Tem Pratt declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 131

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Casey	Chappelle-Nadal	Conway
Corcoran	Cox	Cunningham	Curls	Day
Deeken	Denison	Dethrow	Dieckhaus	Dixon
Dougherty	Dugger	Emery	Englund	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 89	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	McClanahan	McDonald	McGhee	McNary
McNeil	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte
Oxford	Pace	Parkinson	Pollock	Pratt
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoemehl	Schupp
Self	Shively	Smith 150	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Vogt

1235 *Journal of the House*

Wallace	Walsh	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

NOES: 021

Atkins	Burnett	Calloway	Colona	Davis
Ervin	Jones 117	Komo	LeVota	Lipke
Loehner	Low	Norr	Parson	Quinn
Schoeller	Silvey	Skaggs	Smith 14	Talboy
Walton Gray				

PRESENT: 000

ABSENT WITH LEAVE: 010

Carter	Cooper	Diehl	Dusenberg	Hughes
LeBlanc	Liese	Meadows	Sander	Spreng

VACANCIES: 001

**HCS SCS SB 733**, relating to higher education student assistance, was taken up by Representative Kingery.

Representative Nieves assumed the Chair.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 733, Page 1, in the Title, Line 3, by deleting the words "student financial assistance"; and

Further amend said bill, Page 8, Section 173.1108, Line 11, by inserting after all of said line the following:

**"173.1205. 1. Notwithstanding any other provision of law, a for-profit or not-for-profit entity in which a public institution of higher education holds an ownership or membership interest shall not be deemed to be a public governmental body, quasi-public governmental body, or part of a public governmental body or quasi-public governmental body or otherwise subject to chapter 610, if such entity is engaged primarily in activities involving current or prospective commercialization of the skills or knowledge of the institution's faculty or of the institution's research, research capabilities, intellectual property, technology, or technological resources, provided that the public institution of higher education maintains as an open record an annual report, available no later than October first each year, identifying:**

**(1) The name and address of the entity, the amount of funds paid to such entity by the institution, any nonmonetary benefits received by the entity from the institution, and the purpose for which such funds were paid or benefits provided;**

**(2) The amount of funds received by the institution from such entity; and**

**(3) Any employees of the institution who received funds or other things of value from such entity and the purpose and amount of such funds or other things of value.**

**2. This provision shall not be construed to broaden the definition of public governmental body found in section 610.010, nor shall it otherwise be construed to mean, imply, or suggest that any entity constitutes a public governmental body unless such entity meets the definition of that term found in section 610.010.**

**3. Notwithstanding any other provision of law, meetings, records, and votes may be closed to the extent that they relate to records or information submitted by an individual, corporation, or other business entity to a**

**public institution of higher education in connection with a proposal or agreement to license intellectual property or perform sponsored research, in connection with opportunities for or results of collaboration involving students, faculty, or staff, or in connection with activities by the public institution of higher education to promote or pursue economic development and which contain sales projections or other business plan, financial information, or trade secrets the disclosure of which may endanger the competitiveness of a business.”; and**

Further amend said bill and page, Section B, Line 1, by inserting after the letter “B.” the following: “1.”; and

Further amend said bill, page, and section, Line 7, by inserting after all of said line the following:

“2. Because immediate action is necessary to protect the intellectual property of the state’s higher education institutions while permitting its timely development through technology transfer, the enactment of section 173.1205 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 173.1205 of section A of this act shall be in full force and effect upon its passage and approval.”; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 733, Page 1, Section A, Line 3, by inserting after all of said line the following:

“37.005. 1. Except as provided herein, the office of administration shall be continued as set forth in house bill 384, seventy-sixth general assembly and shall be considered as a department within the meaning used in the Omnibus State Reorganization Act of 1974. The commissioner of administration shall appoint directors of all major divisions within the office of administration.

2. The commissioner of administration shall be a member of the governmental emergency fund committee as ex officio comptroller and the director of the department of revenue shall be a member in place of the chief of the planning and construction division.

3. The office of administration is designated the "Missouri State Agency for Surplus Property" as required by Public Law 152, eighty-first Congress as amended, and related laws for disposal of surplus federal property. All the powers, duties and functions vested by sections 37.075 and 37.080, and others, are transferred by type I transfer to the office of administration as well as all property and personnel related to the duties. The commissioner shall integrate the program of disposal of federal surplus property with the processes of disposal of state surplus property to provide economical and improved service to state and local agencies of government. The governor shall fix the amount of bond required by section 37.080. All employees transferred shall be covered by the provisions of chapter 36, RSMo, and the Omnibus State Reorganization Act of 1974.

4. The commissioner of administration shall replace the director of revenue as a member of the board of fund commissioners and assume all duties and responsibilities assigned to the director of revenue by sections 33.300 to 33.540, RSMo, relating to duties as a member of the board and matters relating to bonds and bond coupons.

5. All the powers, duties and functions of the administrative services section, section 33.580, RSMo, and others, are transferred by a type I transfer to the office of administration and the administrative services section is abolished.

6. The commissioner of administration shall, in addition to his or her other duties, cause to be prepared a comprehensive plan of the state's field operations, buildings owned or rented and the communications systems of state agencies. Such a plan shall place priority on improved availability of services throughout the state, consolidation of space occupancy and economy in operations.

7. The commissioner of administration shall from time to time examine the space needs of the agencies of state government and space available and shall, with the approval of the board of public buildings, assign and reassign space in property owned, leased or otherwise controlled by the state. Any other law to the contrary notwithstanding, upon a

determination by the commissioner that all or part of any property is in excess of the needs of any state agency, the commissioner may lease such property to a private or government entity. Any revenue received from the lease of such property shall be deposited into the fund or funds from which moneys for rent, operations or purchase have been appropriated. The commissioner shall establish by rule the procedures for leasing excess property.

8. The commissioner of administration shall make the selection of a personnel director from the names of the three highest ranking available eligibles as provided in section 36.080, RSMo. The personnel advisory board, the personnel division and the personnel director in the office of administration shall retain the functions, duties and powers prescribed in chapter 36, RSMo. Members of the personnel advisory board shall be nominated by the commissioner of administration and appointed by the governor with the advice and consent of the senate.

9. The commissioner of administration is hereby authorized to coordinate and control the acquisition and use of electronic data processing (EDP) and automatic data processing (ADP) in the executive branch of state government. For this purpose, the office of administration will have authority to:

(1) Develop and implement a long-range computer facilities plan for the use of EDP and ADP in Missouri state government. Such plan may cover, but is not limited to, operational standards, standards for the establishment, function and management of service centers, coordination of the data processing education, and planning standards for application development and implementation;

(2) Approve all additions and deletions of EDP and ADP hardware, software, and support services, and service centers;

(3) Establish standards for the development of annual data processing application plans for each of the service centers. These standards shall include review of post-implementation audits. These annual plans shall be on file in the office of administration and shall be the basis for equipment approval requests;

(4) Review of all state EDP and ADP applications to assure conformance with the state information systems plan, and the information systems plans of state agencies and service centers;

(5) Establish procurement procedures for EDP and ADP hardware, software, and support service;

(6) Establish a charging system to be used by all service centers when performing work for any agency;

(7) Establish procedures for the receipt of service center charges and payments for operation of the service centers. The commissioner shall maintain a complete inventory of all state-owned or -leased EDP and ADP equipment, and annually submit a report to the general assembly which shall include starting and ending EDP and ADP costs for the fiscal year previously ended, and the reasons for major increases or variances between starting and ending costs. The commissioner shall also adopt, after public hearing, rules and regulations designed to protect the rights of privacy of the citizens of this state and the confidentiality of information contained in computer tapes or other storage devices to the maximum extent possible consistent with the efficient operation of the office of administration and contracting state agencies.

10. Except as provided in subsection 13 of this section, the fee title to all real property now owned or hereafter acquired by the state of Missouri, or any department, division, commission, board or agency of state government, other than real property owned or possessed by the state highways and transportation commission, conservation commission, state department of natural resources, and the University of Missouri, shall on May 2, 1974, vest in the governor. The governor may not convey or otherwise transfer the title to such real property, unless such conveyance or transfer is first authorized by an act of the general assembly. The provisions of this subsection requiring authorization of a conveyance or transfer by an act of the general assembly shall not, however, apply to the granting or conveyance of an easement to any rural electric cooperative as [defined] **governed** in chapter 394, RSMo, municipal corporation, quasi-governmental corporation owning or operating a public utility, or a public utility, except railroads, as defined in chapter 386, RSMo. The governor, with the approval of the board of public buildings, may, upon the request of any state department, agency, board or commission not otherwise being empowered to make its own transfer or conveyance of any land belonging to the state of Missouri which is under the control and custody of such department, agency, board or commission, grant or convey without further legislative action, for such consideration as may be agreed upon, easements across, over, upon or under any such state land to any rural electric cooperative, as defined in chapter 394, RSMo, municipal corporation, or quasi-governmental corporation owning or operating a public utility, or a public utility, except railroad, as defined in chapter 386, RSMo. The easement shall be for the purpose of promoting the general health, welfare and safety of the public and shall include the right of ingress or egress for the purpose of constructing, maintaining or removing any pipeline, power line, sewer or other similar public utility installation or any equipment or appurtenances necessary to the operation thereof, except that railroad as defined in chapter 386, RSMo, shall not be included in the provisions of this subsection unless such conveyance or transfer is first authorized by an act of the general assembly. The easement shall be for such consideration as may be agreed upon by the parties and approved by the board of public buildings. The attorney general shall approve the form of the instrument of conveyance. The commissioner of administration shall prepare management plans for such properties in the manner set out in subsection 7 of this section.

11. The commissioner of administration shall administer a revolving "Administrative Trust Fund" which shall be established by the state treasurer which shall be funded annually by appropriation and which shall contain moneys transferred or paid to the office of administration in return for goods and services provided by the office of administration to any governmental entity or to the public. The state treasurer shall be the custodian of the fund, and shall approve disbursements from the fund for the purchase of goods or services at the request of the commissioner of administration or the commissioner's designee. The provisions of section 33.080, RSMo, notwithstanding, moneys in the fund shall not lapse, unless and then only to the extent to which the unencumbered balance at the close of any fiscal year exceeds one-eighth of the total amount appropriated, paid, or transferred to the fund during such fiscal year, and upon approval of the oversight division of the joint committee on legislative research. The commissioner shall prepare an annual report of all receipts and expenditures from the fund.

12. All the powers, duties and functions of the department of community affairs relating to statewide planning are transferred by type I transfer to the office of administration.

13. The titles which are vested in the governor by or pursuant to this section to real property assigned to any of the educational institutions referred to in section 174.020, RSMo, on June 15, 1983, are hereby transferred to and vested in the board of regents of the respective educational institutions, and the titles to real property and other interests therein hereafter acquired by or for the use of any such educational institution, notwithstanding provisions of this section, shall vest in the board of regents of the educational institution. The board of regents may not convey or otherwise transfer the title to or other interest in such real property unless the conveyance or transfer is first authorized by an act of the general assembly, except as provided in section 174.042, RSMo, and except that the board of regents may grant easements over, in and under such real property without further legislative action.

14. Notwithstanding any provision of subsection 13 of this section to the contrary, the board of governors of Missouri Western State University, **University of Central Missouri** [State University], Missouri State University, or Missouri Southern State University; or the board of regents of Southeast Missouri State University, Northwest Missouri State University, or Harris-Stowe State University; or the board of curators of Lincoln University may convey or otherwise transfer **for fair market value**, except in fee simple, the title to or other interest in such real property without authorization by an act of the general assembly. The provisions of this subsection shall expire August 28, [2011] **2017**.

15. All county sports complex authorities, and any sports complex authority located in a city not within a county, in existence on August 13, 1986, and organized under the provisions of sections 64.920 to 64.950, RSMo, are assigned to the office of administration, but such authorities shall not be subject to the provisions of subdivision (4) of subsection 6 of section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, RSMo, as amended.

16. All powers, duties, and functions vested in the administrative hearing commission, sections 621.015 to 621.205, RSMo, and others, are transferred to the office of administration by a type III transfer.”; and

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

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

Which motion was defeated.

On motion of Representative Kingery, **HCS SCS SB 733, as amended**, was adopted.

On motion of Representative Kingery, **HCS SCS SB 733, as amended**, was read the third time and passed by the following vote:

AYES: 143

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Burlison	Calloway	Casey	Chappelle-Nadal
Colona	Conway	Cooper	Corcoran	Cox
Cunningham	Curls	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Englund	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey

1239 *Journal of the House*

Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Icet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kuessner	Lair	Lampe	Largent	Leara
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parson	Pollock	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Shively
Silvey	Skaggs	Smith 14	Smith 150	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Vogt	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 010

Burnett	Davis	Dusenberg	Emery	Ervin
Kraus	LeVota	Parkinson	Self	Wallace

PRESENT: 000

ABSENT WITH LEAVE: 009

Bruns	Carter	Hughes	LeBlanc	Meadows
Pratt	Salva	Sander	Spreng	

VACANCIES: 001

Representative Nieves declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 143

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Englund	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Komo	Kratky
Kuessner	Lair	Lampe	Largent	Leara
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meiners

Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parson	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Shively
Silvey	Skaggs	Smith 14	Smith 150	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Tilley	Todd	Tracy
Viebrock	Vogt	Wallace	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Whitehead
Wilson 119	Wilson 130	Witte	Wright	Yaeger
Zerr	Zimmerman	Mr Speaker		

NOES: 010

Burnett	Davis	Dusenberg	Emery	Ervin
Koenig	Kraus	LeVota	Parkinson	Self

PRESENT: 000

ABSENT WITH LEAVE: 009

Carter	Hughes	LeBlanc	Meadows	Pollock
Salva	Sander	Spreng	Walsh	

VACANCIES: 001

**SCS SB 644**, relating to transient guest taxes, was taken up by Representative Conway.

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

*House Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 644, Page 4, Section 67.1361, Line 61, by inserting after all of said line the following:

"67.2000. 1. This section shall be known as the "Exhibition Center and Recreational Facility District Act".

2. [Whenever not less than fifty owners of real property located within] **An exhibition center and recreational facility district may be created under this section in the following counties:**

- (1) Any county of the first classification with more than seventy-one thousand three hundred but less than seventy-one thousand four hundred inhabitants[, or];
- (2) Any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants[, or];
- (3) Any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants[, or];
- (4) Any county of the second classification with more than fifty-two thousand six hundred but less than fifty-two thousand seven hundred inhabitants[, or];
- (5) Any county of the first classification with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants[, or];
- (6) Any county of the third classification without a township form of government and with more than seventeen thousand nine hundred but less than eighteen thousand inhabitants[, or];
- (7) Any county of the first classification with more than thirty-seven thousand but less than thirty-seven thousand one hundred inhabitants[, or];
- (8) Any county of the third classification without a township form of government and with more than twenty-three thousand five hundred but less than twenty-three thousand six hundred inhabitants[, or];

(9) Any county of the third classification without a township form of government and with more than nineteen thousand three hundred but less than nineteen thousand four hundred inhabitants[, or];

(10) Any county of the first classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants[.];

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

**(12) Any county of the third classification without a township form of government and with more than eighteen thousand nine hundred but fewer than nineteen thousand inhabitants;**

**(13) Any county of the third classification with a township form of government and with more than eight thousand but fewer than eight thousand one hundred inhabitants;**

**(14) Any county of the third classification with a township form of government and with more than eleven thousand five hundred but fewer than eleven thousand six hundred inhabitants.**

**3. Whenever not less than fifty owners of real property located within any county listed in subsection 2 of this section** desire to create an exhibition center and recreational facility district, the property owners shall file a petition with the governing body of each county located within the boundaries of the proposed district requesting the creation of the district. The district boundaries may include all or part of the counties described in this section. The petition shall contain the following information:

- (1) The name and residence of each petitioner and the location of the real property owned by the petitioner;
- (2) A specific description of the proposed district boundaries, including a map illustrating the boundaries; and
- (3) The name of the proposed district.

[3.] **4.** Upon the filing of a petition pursuant to this section, the governing body of any county described in this section may, by resolution, approve the creation of a district. Any resolution to establish such a district shall be adopted by the governing body of each county located within the proposed district, and shall contain the following information:

- (1) A description of the boundaries of the proposed district;
- (2) The time and place of a hearing to be held to consider establishment of the proposed district;
- (3) The proposed sales tax rate to be voted on within the proposed district; and
- (4) The proposed uses for the revenue generated by the new sales tax.

[4.] **5.** Whenever a hearing is held as provided by this section, the governing body of each county located within the proposed district shall:

- (1) Publish notice of the hearing on two separate occasions in at least one newspaper of general circulation in each county located within the proposed district, with the first publication to occur not more than thirty days before the hearing, and the second publication to occur not more than fifteen days or less than ten days before the hearing;
- (2) Hear all protests and receive evidence for or against the establishment of the proposed district; and
- (3) Rule upon all protests, which determinations shall be final.

[5.] **6.** Following the hearing, if the governing body of each county located within the proposed district decides to establish the proposed district, it shall adopt an order to that effect; if the governing body of any county located within the proposed district decides to not establish the proposed district, the boundaries of the proposed district shall not include that county. The order shall contain the following:

- (1) The description of the boundaries of the district;
- (2) A statement that an exhibition center and recreational facility district has been established;
- (3) The name of the district;
- (4) The uses for any revenue generated by a sales tax imposed pursuant to this section; and
- (5) A declaration that the district is a political subdivision of the state.

[6.] **7.** A district established pursuant to this section may, at a general, primary, or special election, submit to the qualified voters within the district boundaries a sales tax of one-fourth of one percent, for a period not to exceed twenty-five years, on all retail sales within the district, which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities. The ballot of submission shall be in substantially the following form:

Shall the ..... (name of district) impose a sales tax of one-fourth of one percent to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities, for a period of ..... (insert number of years)?

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 in the portion of any county that is part of the proposed district favor the proposal, then the sales tax shall become effective in that portion of the county that is part of the proposed district on the first day of the first calendar quarter immediately following the election. If a majority of the votes cast in the portion of a county that is a part of the proposed district oppose the proposal, then that portion of such county shall not impose the sales tax authorized in this section until after the county governing body has submitted another such sales tax proposal and the proposal is approved by a majority of the qualified voters voting thereon. However, if a sales tax proposal is not approved, the governing body of the county shall not resubmit a proposal to the voters pursuant to this section sooner than twelve months from the date of the last proposal submitted pursuant to this section. If the qualified voters in two or more counties that have contiguous districts approve the sales tax proposal, the districts shall combine to become one district.

[7.] 8. There is hereby created a board of trustees to administer any district created and the expenditure of revenue generated pursuant to this section consisting of four individuals to represent each county approving the district, as provided in this subsection. The governing body of each county located within the district, upon approval of that county's sales tax proposal, shall appoint four members to the board of trustees; at least one shall be an owner of a nonlodging business located within the taxing district, or their designee, at least one shall be an owner of a lodging facility located within the district, or their designee, and all members shall reside in the district except that one nonlodging business owner, or their designee, and one lodging facility owner, or their designee, may reside outside the district. Each trustee shall be at least twenty-five years of age and a resident of this state. Of the initial trustees appointed from each county, two shall hold office for two years, and two shall hold office for four years. Trustees appointed after expiration of the initial terms shall be appointed to a four-year term by the governing body of the county the trustee represents, with the initially appointed trustee to remain in office until a successor is appointed, and shall take office upon being appointed. Each trustee may be reappointed. Vacancies shall be filled in the same manner in which the trustee vacating the office was originally appointed. The trustees shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses. The board shall elect a chair and other officers necessary for its membership. Trustees may be removed if:

(1) By a two-thirds vote, the board moves for the member's removal and submits such motion to the governing body of the county from which the trustee was appointed; and

(2) The governing body of the county from which the trustee was appointed, by a majority vote, adopts the motion for removal.

[8.] 9. The board of trustees shall have the following powers, authority, and privileges:

(1) To have and use a corporate seal;

(2) To sue and be sued, and be a party to suits, actions, and proceedings;

(3) To enter into contracts, franchises, and agreements with any person or entity, public or private, affecting the affairs of the district, including contracts with any municipality, district, or state, or the United States, and any of their agencies, political subdivisions, or instrumentalities, for the funding, including without limitation interest rate exchange or swap agreements, planning, development, construction, acquisition, maintenance, or operation of a single exhibition center and recreational facilities or to assist in such activity. "Recreational facilities" means locations explicitly designated for public use where the primary use of the facility involves participation in hobbies or athletic activities;

(4) To borrow money and incur indebtedness and evidence the same by certificates, notes, or debentures, to issue bonds and use any one or more lawful funding methods the district may obtain for its purposes at such rates of interest as the district may determine. Any bonds, notes, and other obligations issued or delivered by the district may be secured by mortgage, pledge, or deed of trust of any or all of the property and income of the district. Every issue of such bonds, notes, or other obligations shall be payable out of property and revenues of the district and may be further secured by other property of the district, which may be pledged, assigned, mortgaged, or a security interest granted for such payment, without preference or priority of the first bonds issued, subject to any agreement with the holders of any other bonds pledging any specified property or revenues. Such bonds, notes, or other obligations shall be authorized by resolution of the district board, and shall bear such date or dates, and shall mature at such time or times, but not in excess of thirty years, as the resolution shall specify. Such bonds, notes, or other obligations shall be in such denomination, bear interest at such rate or rates, be in such form, either coupon or registered, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places, and be subject to redemption as such resolution may provide, notwithstanding section 108.170, RSMo. The bonds, notes, or other obligations may be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine;

(5) To acquire, transfer, donate, lease, exchange, mortgage, and encumber real and personal property in furtherance of district purposes;

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

(7) To have the management, control, and supervision of all the business and affairs of the district, and the construction, installation, operation, and maintenance of district improvements therein; to collect rentals, fees, and other charges in connection with its services or for the use of any of its facilities;

(8) To hire and retain agents, employees, engineers, and attorneys;

(9) To receive and accept by bequest, gift, or donation any kind of property;

(10) To adopt and amend bylaws and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects, and affairs of the board and of the district; and

(11) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted by this section.

[9.] **10.** There is hereby created the "Exhibition Center and Recreational Facility District Sales Tax Trust Fund", which shall consist of all sales tax revenue collected pursuant to this section. The director of revenue shall be custodian of the trust fund, and moneys in the trust fund shall be used solely for the purposes authorized in this section. Moneys in the trust fund shall be considered nonstate funds pursuant to section 15, article IV, Constitution of Missouri. The director of revenue shall invest moneys in the trust fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the trust fund. All sales taxes collected by the director of revenue pursuant to this section on behalf of the district, less one percent for the cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in the trust fund. The director of revenue shall keep accurate records of the amount of moneys in the trust fund which was collected in the district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of the officers of each district and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district. The director of revenue may authorize refunds from the amounts in the trust fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of the district.

[10.] **11.** The sales tax authorized by this section is in addition to all other sales taxes allowed by law. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, apply to the sales tax imposed pursuant to this section.

[11.] **12.** Any sales tax imposed pursuant to this section shall not extend past the initial term approved by the voters unless an extension of the sales tax is submitted to and approved by the qualified voters in each county in the manner provided in this section. Each extension of the sales tax shall be for a period not to exceed twenty years. The ballot of submission for the extension shall be in substantially the following form:

Shall the ..... (name of district) extend the sales tax of one-fourth of one percent for a period of ..... (insert number of years) years to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities?

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 favor the extension, then the sales tax shall remain in effect at the rate and for the time period approved by the voters. If a sales tax extension is not approved, the district may submit another sales tax proposal as authorized in this section, but the district shall not submit such a proposal to the voters sooner than twelve months from the date of the last extension submitted.

[12.] **13.** Once the sales tax authorized by this section is abolished or terminated by any means, all funds remaining in the trust fund shall be used solely for the purposes approved in the ballot question authorizing the sales tax. The sales tax shall not be abolished or terminated while the district has any financing or other obligations outstanding; provided that any new financing, debt, or other obligation or any restructuring or refinancing of an existing debt or obligation incurred more than ten years after voter approval of the sales tax provided in this section or more than ten years after any voter-approved extension thereof shall not cause the extension of the sales tax provided in this section or cause the final maturity of any financing or other obligations outstanding to be extended. Any funds in the trust fund which are not needed for current expenditures may be invested by the district in the securities described in subdivisions (1) to (12) of subsection 1 of section 30.270, RSMo, or repurchase agreements secured by such securities. If the district

abolishes the sales tax, the district shall notify the director of revenue of the action at least ninety days before 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 sales 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 sales tax in the district, the director of revenue shall remit the balance in the account to the district and close the account of the district. The director of revenue shall notify the district of each instance of any amount refunded or any check redeemed from receipts due the district.

[13.] **14.** In the event that the district is dissolved or terminated by any means, the governing bodies of the counties in the district shall appoint a person to act as trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond with sufficient security, approved by the governing bodies of the counties, to the use of the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to the county treasurer of each county in the district and take receipt for all remaining moneys in amounts based on the ratio the levy of each county bears to the total levy for the district in the previous three years or since the establishment of the district, whichever time period is shorter. Upon payment to the county treasurers, the trustee shall deliver to the clerk of the governing body of any county in the district all books, papers, records, and deeds belonging to the dissolved district."; and

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

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

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

*House Amendment No. 2*

AMEND Senate Committee Substitute for Senate Bill No. 644, Section 67.1000, Page 2, Line 48, by inserting after all of said section the following:

“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; [or]

(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 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.**

**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 Sutherland, **House Amendment No. 2** was adopted.

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

*House Amendment No. 3*

AMEND Senate Committee Substitute for Senate Bill No. 644, Section 67.1000, Page 2, Line 48, by inserting after all of said section the following:

“67.1003. 1. The governing body of **the following cities and counties may impose a tax as provided in this section:**

**(1)** Any city or county, other than a city or county already imposing a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such city or county or a portion thereof pursuant to any other law of this state, having more than three hundred fifty hotel and motel rooms inside such city or county;

[~~(1)~~] **(2)** A county of the third classification with a population of more than seven thousand but less than seven thousand four hundred inhabitants;

[~~(2)~~ or] **(3)** A third class city with a population of greater than ten thousand but less than eleven thousand located in a county of the third classification with a township form of government with a population of more than thirty thousand;

[~~(3)~~ or] **(4)** A county of the third classification with a township form of government with a population of more than twenty thousand but less than twenty-one thousand;

[~~(4)~~ or] **(5)** Any third class city with a population of more than eleven thousand but less than thirteen thousand which is located in a county of the third classification with a population of more than twenty-three thousand but less than twenty-six thousand;

[~~(5)~~ or] **(6)** Any city of the third classification with more than ten thousand five hundred but fewer than ten thousand six hundred inhabitants;

[~~(6)~~ or] **(7)** Any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants;

**(8) Any city of the third classification with more than ten thousand eight hundred but fewer than ten thousand nine hundred inhabitants and located in more than one county.**

**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 or motels situated in the city or county or a portion thereof, which shall be 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 or primary election a proposal to authorize the governing body of the city or county to impose a tax pursuant to this section. The tax authorized by this section shall be in addition to the charge for the sleeping room 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 the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

[2.] **3.** Notwithstanding any other provision of law to the contrary, the tax authorized in this section shall not be imposed in any city or county already imposing such tax pursuant to any other law of this state, except that cities of the third class having more than two thousand five hundred hotel and motel rooms, and located in a county of the first classification in which and where another tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such county is imposed, may impose the tax authorized by this section of not more than one-half of one percent per occupied room per night.

[3.] **4.** The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city or county) at a rate of (insert rate of percent) percent for the sole purpose of promoting tourism?

YES  NO

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

[4.] **5.** As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

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

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

On motion of Representative Conway, **SCS SB 644, as amended**, was read the third time and passed by the following vote:

AYES: 119

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Brandom	Bringer	Brown 50	Brown 149
Bruns	Calloway	Casey	Chappelle-Nadal	Colona
Conway	Cooper	Cox	Cunningham	Curls
Day	Deeken	Dieckhaus	Diehl	Dougherty
Englund	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Gatschenberger	Grill	Grisamore	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Icet	Jones 63	Jones 117
Kander	Keeney	Kelly	Kingery	Kirkton
Komo	Kratky	Kuessner	Lair	Lampe
Leara	LeVota	Liese	Lipke	Loehner
McClanahan	McDonald	McNary	McNeil	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Norr	Pace	Quinn	Riddle

Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoemehl	Schupp
Self	Shively	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Viebrock	Vogt	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Whitehead	Wilson 130	Witte
Wright	Yaeger	Zerr	Mr Speaker	

NOES: 037

Brown 30	Burlison	Burnett	Corcoran	Davis
Denison	Dethrow	Dixon	Dugger	Dusenberg
Emery	Ervin	Flook	Frame	Franz
Funderburk	Guernsey	Jones 89	Koenig	Kraus
Largent	Low	McGhee	Nieves	Oxford
Parkinson	Parson	Pollock	Pratt	Schoeller
Silvey	Skaggs	Smith 14	Smith 150	Tracy
Wilson 119	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 006

Carter	Hughes	LeBlanc	Meadows	Nolte
Spreng				

VACANCIES: 001

Representative Nieves declared the bill passed.

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

### AFTERNOON SESSION

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

### THIRD READING OF SENATE BILLS

**HCS SCS SB 754**, relating to professional registration, was taken up by Representative Wasson.

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

#### *House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 60, Section 327.411, Line 6, by deleting the word “**supervise**” and inserting in lieu thereof the words “**provide direct and immediate personal supervision, as defined by board rule, over**”; and

Further amend said bill, page and section, Line 8, by deleting all of said line and inserting in lieu thereof the following:

“documents sealed by such licensee.”; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Section 383.133, Page 125, Line 31, by inserting after all of said section and line the following:

**“630.575. 1. There is hereby established within the department of mental health the "Missouri Eating Disorder Council" which shall consist of the following persons to be selected by and the number of members to be determined by the director of the department of mental health:**

- (1) Director's designees from the department of mental health;**
- (2) Eating disorder researchers, clinicians, and patient advocacy groups; and**
- (3) The general public.**

**2. The council shall:**

- (1) Oversee the eating disorder education and awareness programs established in section 630.580.**
- (2) Identify whether adequate treatment and diagnostic services are available in the state; and**
- (3) Assist the department of mental health in identifying eating disorder research projects.**

**3. Members of the council shall serve four-year terms, with the initial terms of the members staggered as two-year, three-year, and four-year terms. The members of the council may be reappointed. The members of the council shall not receive compensation for their service on the council, but may, subject to appropriation, be reimbursed for their actual and necessary expenses incurred as members of the council.**

**4. The council shall conduct an organizational meeting at the call of the director of the department of mental health. At such meeting, the council shall select a chair and vice chair of the council. Subsequent meetings of the council shall be called as necessary by the chair of the council or the director of the department of mental health.**

**630.580. 1. The department of mental health, in collaboration with the departments of health and senior services, elementary and secondary education, and higher education and in consultation with the Missouri eating disorder council established in section 630.575, shall develop and implement the following education and awareness programs:**

**(1) Health care professional education and training programs designed to prevent and treat eating disorders. Such programs shall include:**

- (a) Discussion of various strategies with patients from at-risk and diverse populations to promote positive behavior change and healthy lifestyles to prevent eating disorders;**
- (b) Identification of individuals with eating disorders and those who are at risk for developing an eating disorder;**

**(c) Conducting a comprehensive assessment of individual and familial health risk factors;**

**(2) Education and training programs for elementary and secondary and higher education professionals.**

**Such programs shall include:**

**(a) Distribution of educational materials to middle and high school students in both public and private schools, including but not limited to utilization of the National Women's Health Information Center's Body Wise materials;**

**(b) Development of a curriculum which focuses on a healthy body image, identifying the warning signs and behaviors associated with an eating disorder, and ways to assist the individual, friends, or family members who may have an eating disorder; and**

**(3) General eating disorder awareness and education programs.**

**2. The department of mental health may seek the cooperation and assistance of any state department or agency, as the department deems necessary, in the development and implementation of the awareness and education programs implemented under this section.”; and**

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

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 3, Section A, Line 37, by inserting immediately after said line the following:

“167.194. 1. Beginning July 1, 2008, every child enrolling in kindergarten or first grade in a public elementary school in this state shall receive one comprehensive vision examination performed by a state licensed optometrist or physician. Evidence of the examination shall be submitted to the school no later than January first of the first year in which the student is enrolled at the school, provided that the evidence submitted in no way violates any provisions of Public Law 104-191, 42 U.S.C. 201, et seq, Health Insurance Portability and Accountability Act of 1996.

2. The state board of education, in conjunction with the department of health and senior services, shall promulgate rules establishing the criteria for meeting the requirements of subsection 1 of this section, which may include, but are not limited to, forms or other proof of such examination, or other rules as are necessary for the enforcement of this section. The form or other proof of such examination shall include but not be limited to identifying the result of the examinations performed under subsection 4 of this section, the cost for the examination, the examiner's qualifications, and method of payment through either:

- (1) Insurance;
- (2) The state Medicaid program;
- (3) Complimentary; or
- (4) Other form of payment.

3. The department of elementary and secondary education, in conjunction with the department of health and senior services, shall compile and maintain a list of sources to which children who may need vision examinations or children who have been found to need further examination or vision correction may be referred for treatment on a free or reduced-cost basis. The sources may include individuals, and federal, state, local government, and private programs. The department of elementary and secondary education shall ensure that the superintendent of schools, the principal of each elementary school, the school nurse or other person responsible for school health services, and the parent organization for each district elementary school receives an updated copy of the list each year prior to school opening. Professional and service organizations concerned with vision health may assist in gathering and disseminating the information, at the direction of the department of elementary and secondary education.

4. For purposes of this section, the following comprehensive vision examinations shall include but not be limited to:

- (1) Complete case history;
- (2) Visual acuity at distance (aided and unaided);
- (3) External examination and internal examination (ophthalmoscopic examination);
- (4) Subjective refraction to best visual acuity.

5. Findings from the evidence of examination shall be provided to the department of health and senior services and kept by the optometrist or physician for a period of seven years.

6. In the event that a parent or legal guardian of a child subject to this section shall submit to the appropriate school administrator a written request that the child be excused from taking a vision examination as provided in this section, that child shall be so excused.

[7. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on June 30, 2012, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset eight years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]; and

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

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

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

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 95, Section 338.337, Line 16, by inserting immediately after said line the following:

**“338.575. 1. No licensed pharmacy in this state shall be required to perform, assist, recommend, refer to, or participate in any act or service in connection with any drug or device that is an abortifacient, including but not limited to the RU486 drug and emergency contraception such as the Plan B drug.**

**2. No civil or criminal cause of action shall accrue against a pharmacy due to a refusal to perform, assist, recommend, refer for, or participate in any act or service in accordance with subsection 1 of this section.**

**3. No board, commission, or other agency or instrumentality of this state shall deny, revoke, suspend, or otherwise discipline the license of a pharmacy, nor shall it impose any other condition of operation due to a refusal to perform, assist, recommend, refer for, or participate in any act or service in accordance with subsection 1 of this section.**

**4. No pharmacy shall be denied or discriminated against in eligibility for or the receipt of any public benefit, assistance, or privilege of any kind due to a refusal to perform, assist, recommend, refer for, or participate in any act or service in accordance with subsection 1 of this section.”; and**

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

Representative Newman offered **House Substitute Amendment No. 1 for House Amendment No. 4**.

*House Substitute Amendment No. 1  
for  
House Amendment No. 4*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 93, Section 337.739, Line 39, by inserting after all of said line the following:

**“338.014. 1. Upon receipt of a valid, lawful prescription for a contraceptive, a pharmacy and its employees have a duty to dispense the contraceptive, or a suitable alternative permitted by the health care provider who issued the prescription, to the patient or the patient's agent without delay, consistent with the normal time frame for filling any other prescription. If the contraceptive or suitable alternative is not in stock, the pharmacy must obtain the contraceptive under the pharmacy's standard procedures for ordering contraceptive drugs not in stock, including the procedures of any entity that is affiliated with, owns, or franchises the pharmacy. However, if the patient prefers, the prescription must either be transferred to a local pharmacy of the patient's choice or returned to the patient, as the patient directs.**

**2. For purposes of subsection 1 of this section, the term "contraceptive" shall refer to all drugs or devices approved for sale by the federal Food and Drug Administration to prevent pregnancy.**

**3. Nothing in subsection 1 of this section shall interfere with a pharmacist's screening for potential drug therapy problems due to therapeutic duplication, drug-disease contraindications, drug-drug interactions, including serious interactions with nonprescription or over-the-counter drugs, drug food interactions, incorrect drug dosage or duration of drug treatment, drug-allergy interactions, or clinical abuse or misuse.**

4. A pharmacy has a duty to treat each customer in a non-judgmental manner and ensure that each customer is not subjected to indignity, humiliation, breaches of confidentiality, or pressure to fill or not to fill the prescription. The provisions of this subsection are applicable to emergency contraception sold over the counter to persons of legal age.

5. A pharmacy shall also assure that persons of legal age purchasing emergency contraception over the counter are promptly served, consistent with the normal time frame for in-store nonprescription purchases stored in a like manner.

6. Violation of the provisions of this section shall subject the licensed pharmacy to disciplinary action under section 338.055.”; and

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

Representative Newman moved that **House Substitute Amendment No. 1 for House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 038

Atkins	Aull	Brown 50	Burnett	Calloway
Chappelle-Nadal	Colona	Corcoran	Dougherty	Englund
Frame	Holsman	Jones 63	Kander	Kelly
Kirkton	Komo	Lampe	LeVota	Low
McClanahan	McDonald	McNeil	Newman	Norr
Oxford	Pace	Schieffer	Schlottach	Schupp
Skaggs	Still	Storch	Talboy	Walton Gray
Webber	Whitehead	Zimmerman		

NOES: 106

Allen	Ayres	Biermann	Bivins	Brandom
Bringer	Brown 30	Brown 149	Bruns	Burlison
Conway	Cox	Cunningham	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Dixon
Dugger	Dusenberg	Emery	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Hoskins 121	Hummel
Icet	Jones 117	Keeney	Kingery	Koenig
Kratky	Kraus	Kuessner	Lair	Largent
Leara	LeBlanc	Liese	Lipke	Loehner
McGhee	McNary	Meiners	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Rucker	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schoeller
Schoemehl	Self	Shively	Silvey	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Witte	Wright	Yaeger	Zerr
Mr Speaker				

PRESENT: 000

1253 *Journal of the House*

ABSENT WITH LEAVE: 018

Carter	Casey	Cooper	Curls	Diehl
Ervin	Grill	Hoskins 80	Hughes	Jones 89
Meadows	Morris	Roorda	Salva	Spreng
Vogt	Walsh	Webb		

VACANCIES: 001

Representative Hobbs assumed the Chair.

On motion of Representative Emery, **House Amendment No. 4** was adopted by the following vote:

AYES: 109

Allen	Ayres	Biermann	Bivins	Brandom
Bringer	Brown 30	Brown 149	Bruns	Burlison
Casey	Conway	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Franz	Funderburk
Gatschenberger	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Hoskins 121	Hummel	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kratky	Kraus	Kuessner	Lair	Largent
Leara	Liese	Lipke	Loehner	McGhee
McNary	Meiners	Molendorp	Munzlinger	Nance
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Rucker	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schoeller	Self
Shively	Silvey	Smith 14	Smith 150	Spreng
Stevenson	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Witte	Wright	Zerr	Mr Speaker	

NOES: 042

Atkins	Brown 50	Burnett	Calloway	Chappelle-Nadal
Colona	Curls	Dougherty	Frame	Grill
Holsman	Hoskins 80	Jones 63	Kander	Kelly
Kirkton	Komo	Lampe	LeBlanc	LeVota
Low	McClanahan	McDonald	McNeil	Morris
Nasheed	Newman	Norr	Oxford	Pace
Schupp	Skaggs	Still	Storch	Talboy
Vogt	Walton Gray	Webb	Webber	Whitehead
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 011

Aull	Carter	Cooper	Corcoran	Hughes
Meadows	Roorda	Salva	Schlottach	Schoemehl
Walsh				

VACANCIES: 001

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

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 12, Section 208.010, Line 177, by inserting immediately after said line the following:

**“208.198. Subject to appropriations, the department of social services shall establish a rate for the reimbursement of physicians, optometrists, podiatrists, and psychologists for services rendered to patients under the MO HealthNet program which provides equal reimbursement for the same or similar services rendered.”; and**

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

Representative Schaaf offered **House Amendment No. 1 to House Amendment No. 5.**

*House Amendment No. 1*

*to*

*House Amendment No. 5*

AMEND House Amendment No. 5 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Section 208.198, Page 1, Line 7 of said amendment, by deleting all of said line and inserting in lieu of thereof the following:

**“the same or similar services rendered, provided, however, that no rate for the reimbursement of physicians, optometrists, podiatrists, or psychologists shall be reduced to provide equal reimbursement under this section.”; and**

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

Representative Schaaf moved that **House Amendment No. 1 to House Amendment No. 5** be adopted.

Which motion was defeated.

On motion of Representative Franz, **House Amendment No. 5** was adopted by the following vote:

AYES: 143

Allen	Atkins	Aull	Ayres	Biermann
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Burlison	Burnett	Calloway	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Cox	Cunningham
Curls	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Faith	Fallert

1255 *Journal of the House*

Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Icet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kirkton	Koenig	Komo	Kratky	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Newman	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sater	Scavuzzo	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Smith 14
Smith 150	Spreng	Stevenson	Still	Storch
Stream	Sutherland	Talboy	Thomson	Todd
Tracy	Viebrock	Vogt	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Whitehead	Wilson 119	Wilson 130	Witte
Wright	Zerr	Mr Speaker		

NOES: 011

Bivins	Davis	Ervin	Guest	Kingery
Lipke	Sander	Schaaf	Skaggs	Yaeger
Zimmerman				

PRESENT: 001

Swinger

ABSENT WITH LEAVE: 007

Bruns	Carter	Cooper	Hughes	Kraus
Meadows	Tilley			

VACANCIES: 001

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

### *House Amendment No. 6*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Section 327.411, Page 60, Line 28, by inserting immediately after said line the following:

“329.040. 1. Any person of good moral character may make application to the board for a license to own a school of cosmetology on a form provided upon request by the board. Every school of cosmetology in which any of the classified occupations of cosmetology are taught shall be required to obtain a license from the board prior to opening. The license shall be issued upon approval of the application by the board, the payment of the required fees, and the applicant meets other requirements provided in this chapter. The license shall be kept posted in plain view within the school at all times.

2. A school license renewal fee shall be due on or before the renewal date of any school license issued pursuant to this section. If the school license renewal fee is not paid on or before the renewal date, a late fee shall be added to the regular school license fee.

3. No school of cosmetology shall be granted a license pursuant to this chapter unless it:

(1) Employs and has present in the school a competent licensed instructor for every twenty-five students in attendance for a given class period and one to ten additional students may be in attendance with the assistance of an instructor trainee. One instructor is authorized to teach up to three instructor trainees immediately after being granted an instructor's license;

(2) Requires all students to be enrolled in a course of study of no less than three hours per day and no more than twelve hours per day with a weekly total that is no less than fifteen hours and no more than seventy-two hours;

(3) Requires for the classified occupation of cosmetologist, the course of study shall be no less than one thousand five hundred hours or, for a student in public vocational/technical school no less than one thousand two hundred twenty hours; provided that, a school may elect to base the course of study on credit hours by applying the credit hour formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. The student must earn a minimum of one hundred and sixty hours or equivalent credits of classroom training before the student may perform any of the acts of the classified occupation of cosmetology on any patron or customer of the school of cosmetology;

(4) Requires for the classified occupation of manicurist, the course of study shall be no less than four hundred hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. The student must earn a minimum of fifty hours or equivalent credits of classroom training before the student may perform any of the acts of the classified occupation of manicurist on any patron or customer of the school of cosmetology;

(5) Requires for the classified occupation of esthetician, the course of study shall be no less than seven hundred fifty hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. The student shall earn a minimum of seventy-five hours or equivalent credits of classroom training before the student may perform any of the acts of the classified occupation of esthetics on any patron or customer of the school of cosmetology or an esthetics school.

4. The subjects to be taught for the classified occupation of cosmetology shall be as follows and the hours required for each subject shall be not less than those contained in this subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended:

- (1) Shampooing of all kinds, forty hours;
- (2) Hair coloring, bleaches and rinses, one hundred thirty hours;
- (3) Hair cutting and shaping, one hundred thirty hours;
- (4) Permanent waving and relaxing, one hundred twenty-five hours;
- (5) Hairsetting, pin curls, fingerwaves, thermal curling, two hundred twenty-five hours;
- (6) Combouts and hair styling techniques, one hundred five hours;
- (7) Scalp treatments and scalp diseases, thirty hours;
- (8) Facials, eyebrows and arches, forty hours;
- (9) Manicuring, hand and arm massage and treatment of nails, one hundred ten hours;
- (10) Cosmetic chemistry, twenty-five hours;
- (11) Salesmanship and shop management, ten hours;
- (12) Sanitation and sterilization, thirty hours;
- (13) Anatomy, twenty hours;
- (14) State law, ten hours;
- (15) Curriculum to be defined by school, not less than four hundred seventy hours.

5. The subjects to be taught for the classified occupation of manicurist shall be as follows and the hours required for each subject shall be not less than those contained in this subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended:

- (1) Manicuring, hand and arm massage and treatment of nails, two hundred twenty hours;
- (2) Salesmanship and shop management, twenty hours;
- (3) Sanitation and sterilization, twenty hours;
- (4) Anatomy, ten hours;
- (5) State law, ten hours;
- (6) Study of the use and application of certain chemicals, forty hours; and
- (7) Curriculum to be defined by school, not less than eighty hours.

6. The subjects to be taught for the classified occupation of esthetician shall be as follows, and the hours required for each subject shall not be less than those contained in this subsection or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended:

- (1) Facials, cleansing, toning, massaging, one hundred twenty hours;
- (2) Makeup application, all phases, one hundred hours;

- (3) Hair removal, thirty hours;
- (4) Body treatments, aromatherapy, wraps, one hundred twenty hours;
- (5) Reflexology, thirty-five hours;
- (6) Cosmetic sciences, structure, condition, disorder, eighty-five hours;
- (7) Cosmetic chemistry, products and ingredients, seventy-five hours;
- (8) Salon management and salesmanship, fifty-five hours;
- (9) Sanitation and sterilization, safety, forty-five hours;
- (10) State law, ten hours; and
- (11) Curriculum to be defined by school, not less than seventy-five hours.

7. Training for all classified occupations shall include practical demonstrations, written and/or oral tests, and practical instruction in sanitation, sterilization and the use of antiseptics, cosmetics and electrical appliances consistent with the practical and theoretical requirements as applicable to the classified occupations as provided in this chapter.

8. No school of cosmetology shall operate within this state unless a proper license pursuant to this chapter has first been obtained.

9. Nothing contained in this chapter shall prohibit a licensee within a cosmetology establishment from teaching any of the practices of the classified occupations for which the licensee has been licensed for not less than two years in the licensee's regular course of business, if the owner or manager of the business does not hold himself or herself out as a school and does not hire or employ or personally teach regularly at any one and the same time, more than one apprentice to each licensee regularly employed within the owner's business, not to exceed one apprentice per establishment, and the owner, manager, or trainer does not accept any fee for instruction.

10. Each licensed school of cosmetology shall provide a minimum of two thousand square feet of floor space, adequate rooms and equipment, including lecture and demonstration rooms, lockers, an adequate library and two restrooms. The minimum equipment requirements shall be: six shampoo bowls, ten hair dryers, two master dustproof and sanitary cabinets, wet sterilizers, and adequate working facilities for twenty students.

11. Each licensed school of cosmetology for manicuring only shall provide a minimum of one thousand square feet of floor space, adequate room for theory instruction, adequate equipment, lockers, an adequate library, two restrooms and a clinical working area for ten students. Minimum floor space requirement proportionately increases with student enrollment of over ten students.

12. Each licensed school of cosmetology for esthetics only shall provide a minimum of one thousand square feet of floor space, adequate room for theory instruction, adequate equipment, lockers, an adequate library, two restrooms and a clinical working area for ten students. Minimum floor space requirement increases fifty square feet per student with student enrollment of over ten.

13. No school of cosmetology may have a greater number of students enrolled and scheduled to be in attendance for a given class period than the total floor space of that school will accommodate. Floor space required per student shall be no less than fifty square feet per additional student beyond twenty students for a school of cosmetology, beyond ten students for a school of manicuring and beyond ten students for a school of esthetics.

14. Each applicant for a new school shall file a written application with the board upon a form approved and furnished upon request by the board. The applicant shall include a list of equipment, the proposed curriculum, and the name and qualifications of any and all of the instructors.

15. Each school shall display in a conspicuous place, visible upon entry to the school, a sign stating that all cosmetology services in this school are performed by students who are in training.

16. Any student who wishes to remain in school longer than the required training period may make application for an additional training license and remain in school. A fee is required for such additional training license.

17. All contractual fees that a student owes to any cosmetology school shall be paid before such student may be allowed to apply for any examination required to be taken by an applicant applying for a license pursuant to the provisions of this chapter.

**18. The board shall not issue any initial, new license for a school of cosmetology from August 28, 2010, to August 28, 2012. Any school of cosmetology holding a valid license on August 28, 2010 may change school location within twenty-five miles of their then existing location or may change the ownership of the school without being treated by the board as an applicant for a new license for the purposes of this subsection. The provisions of this subsection shall expire on August 28, 2012.”; and**

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

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

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

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 1, In the Title, Line 2, by inserting after the number "194.350," the numbers "195.070, 195.080, 195.100,"; and

Further amend said bill, Page 1, In the Title, Line 7, by inserting after the number "334.735," the number "334.747,"; and

Further amend said bill, Page 1, In the Title, Line 9, by inserting after the number "337.739," the number "338.100"; and

Further amend said bill, Page 2, In the Title, Line 28, by deleting the words "one hundred five" and inserting in lieu thereof the words "one hundred ten"; and

Further amend said bill, Page 2, Section A, Line 1, by inserting after the number "194.350," the numbers "195.070, 195.080, 195.100,"; and

Further amend said bill, Page 2, Section A, Line 6, by inserting after the number "334.735," the number "334.747,"; and

Further amend said bill, Page 2, Section A, Line 7, by inserting after the number "337.739," the number "338.100"; and

Further amend said bill, Page 2, Section A, Line 25, by deleting the words "one hundred five" and inserting in lieu thereof the words "one hundred ten"; and

Further amend said bill, Page 2, Section A, Line 26, by inserting after the number "194.350," the numbers "195.070, 195.080, 195.100,"; and

Further amend said bill, Page 3, Section A, Line 32, by inserting after the number "194.350," the numbers "195.070, 195.080, 195.100,"; and

Further amend said bill, Page 3, Section A, Line 33, by inserting after the number "337.739," the number "338.100"; and

Further amend said bill, Page 7, Section 194.350, Line 26, by inserting after all of said line the following:

"195.070. 1. A physician, podiatrist, dentist, a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, RSMo, or a physician assistant in accordance with section 334.747, RSMo, in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, RSMo, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, RSMo, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019, RSMo, and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104, RSMo, may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family. Schedule III narcotic controlled substance prescriptions shall be limited to a one hundred twenty-hour supply without refill.

3. A veterinarian, in good faith and in the course of the veterinarian's professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and the veterinarian may cause them to be administered by an assistant or orderly under his or her direction and supervision.

4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug.

5. An individual practitioner shall not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

**6. A physician assistant or advance practice registered nurse or comparable mid-level practitioner located in another state may prescribe controlled substances or may cause the same to be dispensed by an individual as authorized by statute, provided:**

**(1) He or she has fulfilled the requirements of the state in which he or she is licensed and practicing as well as those of the United States to prescribe controlled substances;**

**(2) He or she writes the controlled substance prescription in compliance with the applicable laws of the state in which he or she is licensed and practicing as well as those of the United States; and**

**(3) The prescription is dispensed to a patient who is a resident of another state.**

195.080. 1. Except as otherwise in sections 195.005 to 195.425 specifically provided, sections 195.005 to 195.425 shall not apply to the following cases: prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that sections 195.005 to 195.425 shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

2. The quantity of Schedule II controlled substances prescribed or dispensed at any one time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of sections 195.005 to 195.425. The supply limitations provided in this subsection may be increased up to three months if the physician describes on the prescription form or indicates via telephone, fax, or electronic communication to the pharmacy to be entered on or attached to the prescription form the medical reason for requiring the larger supply. **The supply limitations provided in this subsection shall not apply if:**

**(1) The prescription is:**

**(a) Written by a practitioner located in another state according to the applicable laws of such state and the United States; and**

**(b) Dispensed to a patient who is a resident of another state; or**

**(2) The prescription is dispensed directly to a member of the United States armed forces serving outside the United States.**

3. The partial filling of a prescription for a Schedule II substance is permissible as defined by regulation by the department of health and senior services.

195.100. 1. It shall be unlawful to distribute any controlled substance in a commercial container unless such container bears a label containing an identifying symbol for such substance in accordance with federal laws.

2. It shall be unlawful for any manufacturer of any controlled substance to distribute such substance unless the labeling thereof conforms to the requirements of federal law and contains the identifying symbol required in subsection 1 of this section.

3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such narcotic or dangerous drug to any person other than the patient.

4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a wholesaler sells or dispenses a controlled substance in a package prepared by him or her, the manufacturer or wholesaler shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person except a pharmacist for the purpose of filling a prescription under sections 195.005 to 195.425, shall alter, deface, or remove any label so affixed.

5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance on a prescription issued by a physician, physician assistant, dentist, podiatrist, veterinarian, or advanced practice registered nurse, the pharmacist or practitioner shall affix to the container in which such drug is sold or dispensed a label showing his or her own name and address of the pharmacy or practitioner for whom he or she is lawfully acting; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; the name of the physician, physician assistant, dentist, podiatrist, advanced practice registered nurse, or veterinarian by whom the prescription was written; [the name of the collaborating physician if the prescription is written by an advanced practice registered nurse or the supervising physician if the prescription is written by a physician assistant,] and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed."; and

Further amend said bill, Page 81, Section 334.735, Line 174, by inserting after all of said line the following:

"334.747. 1. A physician assistant 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, RSMo, when delegated the authority to prescribe controlled substances in a supervision agreement. Such authority shall be listed on the supervision verification form on file with the state board of healing arts. The supervising physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the physician assistant is permitted to prescribe. Any limitations shall be listed on the supervision form. Physician assistants shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances shall be limited to a five-day supply without refill. Physician assistants 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 [such] **the Drug Enforcement Administration** registration numbers on prescriptions for controlled substances.

2. The supervising physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the physician assistant during which the physician assistant shall practice with the supervising physician on-site prior to prescribing controlled substances when the supervising physician is not on-site. Such limitation shall not apply to physician assistants of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

3. A physician assistant shall receive a certificate of controlled substance prescriptive authority from the board of healing arts upon verification of the completion of the following educational requirements:

(1) Successful completion of an advanced pharmacology course that includes clinical training in the prescription of drugs, medicines, and therapeutic devices. A course or courses with advanced pharmacological content in a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency shall satisfy such requirement;

(2) Completion of a minimum of three hundred clock hours of clinical training by the supervising physician in the prescription of drugs, medicines, and therapeutic devices;

(3) Completion of a minimum of one year of supervised clinical practice or supervised clinical rotations. One year of clinical rotations in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency, which includes pharmacotherapeutics as a component of its clinical training, shall satisfy such requirement. Proof of such training shall serve to document experience in the prescribing of drugs, medicines, and therapeutic devices;

(4) A physician assistant previously licensed in a jurisdiction where physician assistants are authorized to prescribe controlled substances may obtain a state bureau of narcotics and dangerous drugs registration if a supervising physician can attest that the physician assistant has met the requirements of subdivisions (1) to (3) of this subsection and provides documentation of existing federal Drug Enforcement Agency registration.

**4. A physician assistant or advance practice registered nurse or comparable mid-level practitioner located in another state may prescribe controlled substances or may cause the same to be dispensed by an individual as authorized by statute, provided:**

**(1) He or she has fulfilled the requirements of the state in which he or she is licensed and practicing as well as those of the United States to prescribe controlled substances;**

**(2) He or she writes the controlled substance prescription in compliance with the applicable laws of the state in which he or she is licensed and practicing as well as those of the United States; and**

**(3) The prescription is dispensed to a patient who is a resident of another state.";** and

Further amend said bill, Page 93, Section 337.739, Line 39, by inserting after all of said line the following:

"338.100. 1. Every permit holder of a licensed pharmacy shall cause to be kept in a uniform fashion consistent with this section a suitable **book, file, or electronic recordkeeping system** in which shall be preserved, for a period of not less than five years, the original or order of each drug which has been compounded or dispensed at such pharmacy, according to and in compliance with standards provided by the board, and shall produce the same in court or before any grand jury whenever lawfully required. A licensed pharmacy may maintain its prescription file on readable microfilm for records maintained over three years. After September, 1999, a licensed pharmacy may preserve prescription files on microfilm or by electronic media storage for records maintained over three years. The pharmacist in charge shall be responsible for complying with the permit holder's record-keeping system in compliance with this section. Records maintained by a pharmacy that contain medical or drug information on patients or their care shall be considered as confidential and shall only be released according to standards provided by the board. Upon request, the pharmacist in

charge of such pharmacy shall furnish to the [prescribe] **prescriber**, and may furnish to the person for whom such prescription was compounded or dispensed, a true and correct copy of the original prescription. The file of original prescriptions **kept in any format in compliance with this section**, and other confidential records, as defined by law, shall at all times be open for inspection by board of pharmacy representatives. **Records maintained in an electronic recordkeeping system shall contain all information otherwise required in a manual recordkeeping system. Electronic records shall be readily retrievable. Pharmacies may electronically maintain the original prescription or prescription order for each drug and may electronically annotate any change or alteration to a prescription record in the electronic recordkeeping system as authorized by law; provided however, original written and faxed prescriptions shall be physically maintained on file at the pharmacy under state and federal controlled substance laws.**

2. An institutional pharmacy located in a hospital shall be responsible for maintaining records of the transactions of the pharmacy as required by federal and state laws and as necessary to maintain adequate control and accountability of all drugs. This shall include a system of controls and records for the requisitioning and dispensing of pharmaceutical supplies where applicable to patients, nursing care units and to other departments or services of the institution. Inspection performed pursuant to this subsection shall be consistent with the provisions of section 197.100, RSMo.

3. **"Electronic recordkeeping system", as used in this section, shall mean a system, including machines, methods of organization, and procedures, that provides input, storage, processing, communications, output, and control functions for digitized images of original prescriptions.**"; and

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

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

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

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 38, Section 214.550, Line 22, by inserting immediately after said line the following:

“301.142. 1. As used in sections 301.141 to 301.143, the following terms mean:

- (1) "Department", the department of revenue;
- (2) "Director", the director of the department of revenue;
- (3) "Other authorized health care practitioner" includes advanced practice registered nurses licensed pursuant to chapter 335, RSMo, **physician assistants licensed pursuant to chapter 334, RSMo**, chiropractors licensed pursuant to chapter 331, RSMo, podiatrists licensed pursuant to chapter 330, RSMo, and optometrists licensed pursuant to chapter 336, RSMo;
- (4) "Physically disabled", a natural person who is blind, as defined in section 8.700, RSMo, or a natural person with medical disabilities which prohibits, limits, or severely impairs one's ability to ambulate or walk, as determined by a licensed physician or other authorized health care practitioner as follows:
  - (a) The person cannot ambulate or walk fifty or less feet without stopping to rest due to a severe and disabling arthritic, neurological, orthopedic condition, or other severe and disabling condition; or
  - (b) The person cannot ambulate or walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or
  - (c) Is restricted by a respiratory or other disease to such an extent that the person's forced respiratory expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or
  - (d) Uses portable oxygen; or
  - (e) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or
  - (f) A person's age, in and of itself, shall not be a factor in determining whether such person is physically disabled or is otherwise entitled to disabled license plates and/or disabled windshield hanging placards within the meaning of sections 301.141 to 301.143;
- (5) "Physician", a person licensed to practice medicine pursuant to chapter 334, RSMo;

(6) "Physician's statement", a statement personally signed by a duly authorized person which certifies that a person is disabled as defined in this section;

(7) "Temporarily disabled person", a disabled person as defined in this section whose disability or incapacity is expected to last no more than one hundred eighty days;

(8) "Temporary windshield placard", a placard to be issued to persons who are temporarily disabled persons as defined in this section, certification of which shall be indicated on the physician's statement;

(9) "Windshield placard", a placard to be issued to persons who are physically disabled as defined in this section, certification of which shall be indicated on the physician's statement.

2. Other authorized health care practitioners may furnish to a disabled or temporarily disabled person a physician's statement for only those physical health care conditions for which such health care practitioner is legally authorized to diagnose and treat.

3. A physician's statement shall:

(1) Be on a form prescribed by the director of revenue;

(2) Set forth the specific diagnosis and medical condition which renders the person physically disabled or temporarily disabled as defined in this section;

(3) Include the physician's or other authorized health care practitioner's license number; and

(4) Be personally signed by the issuing physician or other authorized health care practitioner.

4. If it is the professional opinion of the physician or other authorized health care practitioner issuing the statement that the physical disability of the applicant, user, or member of the applicant's household is permanent, it shall be noted on the statement. Otherwise, the physician or other authorized health care practitioner shall note on the statement the anticipated length of the disability which period may not exceed one hundred eighty days. If the physician or health care practitioner fails to record an expiration date on the physician's statement, the director shall issue a temporary windshield placard for a period of thirty days.

5. A physician or other authorized health care practitioner who issues or signs a physician's statement so that disabled plates or a disabled windshield placard may be obtained shall maintain in such disabled person's medical chart documentation that such a certificate has been issued, the date the statement was signed, the diagnosis or condition which existed that qualified the person as disabled pursuant to this section and shall contain sufficient documentation so as to objectively confirm that such condition exists.

6. The medical or other records of the physician or other authorized health care practitioner who issued a physician's statement shall be open to inspection and review by such practitioner's licensing board, in order to verify compliance with this section. Information contained within such records shall be confidential unless required for prosecution, disciplinary purposes, or otherwise required to be disclosed by law.

7. Owners of motor vehicles who are residents of the state of Missouri, and who are physically disabled, owners of motor vehicles operated at least fifty percent of the time by a physically disabled person, or owners of motor vehicles used to primarily transport physically disabled members of the owner's household may obtain disabled person license plates. Such owners, upon application, accompanied by the documents and fees provided for in this section, a current physician's statement which has been issued within ninety days preceding the date the application is made and proof of compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles, shall be issued motor vehicle license plates for vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the word "DISABLED" in addition to a combination of letters and numbers. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

8. The director shall further issue, upon request, to such applicant one, and for good cause shown, as the director may define by rule and regulations, not more than two, removable disabled windshield hanging placards for use when the disabled person is occupying a vehicle or when a vehicle not bearing the permanent handicap plate is being used to pick up, deliver, or collect the physically disabled person issued the disabled motor vehicle license plate or disabled windshield hanging placard.

9. No additional fee shall be paid to the director for the issuance of the special license plates provided in this section, except for special personalized license plates and other license plates described in this subsection. Priority for any specific set of special license plates shall be given to the applicant who received the number in the immediately preceding license period subject to the applicant's compliance with the provisions of this section and any applicable rules or regulations issued by the director. If determined feasible by the advisory committee established in section 301.129, any special license plate issued pursuant to this section may be adapted to also include the international wheelchair accessibility symbol and the word "DISABLED" as prescribed in this section and such plate may be issued to any

applicant who meets the requirements of this section and the other appropriate provision of this chapter, subject to the requirements and fees of the appropriate provision of this chapter.

10. Any physically disabled person, or the parent or guardian of any such person, or any not-for-profit group, organization, or other entity which transports more than one physically disabled person, may apply to the director of revenue for a removable windshield placard. The placard may be used in motor vehicles which do not bear the permanent handicap symbol on the license plate. Such placards must be hung from the front, middle rearview mirror of a parked motor vehicle and may not be hung from the mirror during operation. These placards may only be used during the period of time when the vehicle is being used by a disabled person, or when the vehicle is being used to pick up, deliver, or collect a disabled person. When there is no rearview mirror, the placard shall be displayed on the dashboard on the driver's side.

11. The removable windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The removable windshield placard shall be renewed every four years. The director may stagger the expiration dates to equalize workload. Only one removable placard may be issued to an applicant who has been issued disabled person license plates. Upon request, one additional windshield placard may be issued to an applicant who has not been issued disabled person license plates.

12. A temporary windshield placard shall be issued to any physically disabled person, or the parent or guardian of any such person who otherwise qualifies except that the physical disability, in the opinion of the physician, is not expected to exceed a period of one hundred eighty days. The temporary windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for the temporary windshield placard shall be two dollars. Upon request, and for good cause shown, one additional temporary windshield placard may be issued to an applicant. Temporary windshield placards shall be issued upon presentation of the physician's statement provided by this section and shall be displayed in the same manner as removable windshield placards. A person or entity shall be qualified to possess and display a temporary removable windshield placard for six months and the placard may be renewed once for an additional six months if a physician's statement pursuant to this section is supplied to the director of revenue at the time of renewal.

13. Application for license plates or windshield placards issued pursuant to this section shall be made to the director of revenue and shall be accompanied by a statement signed by a licensed physician or other authorized health care practitioner which certifies that the applicant, user, or member of the applicant's household is a physically disabled person as defined by this section.

14. The placard shall be renewable only by the person or entity to which the placard was originally issued. Any placard issued pursuant to this section shall only be used when the physically disabled occupant for whom the disabled plate or placard was issued is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected. A disabled license plate and/or a removable windshield hanging placard are not transferable and may not be used by any other person whether disabled or not.

15. At the time the disabled plates or windshield hanging placards are issued, the director shall issue a registration certificate which shall include the applicant's name, address, and other identifying information as prescribed by the director, or if issued to an agency, such agency's name and address. This certificate shall further contain the disabled license plate number or, for windshield hanging placards, the registration or identifying number stamped on the placard. The validated registration receipt given to the applicant shall serve as the registration certificate.

16. The director shall, upon issuing any disabled registration certificate for license plates and/or windshield hanging placards, provide information which explains that such plates or windshield hanging placards are nontransferable, and the restrictions explaining who and when a person or vehicle which bears or has the disabled plates or windshield hanging placards may be used or be parked in a disabled reserved parking space, and the penalties prescribed for violations of the provisions of this act.

17. Every new applicant for a disabled license plate or placard shall be required to present a new physician's statement dated no more than ninety days prior to such application. Renewal applicants will be required to submit a physician's statement dated no more than ninety days prior to such application upon their first renewal occurring on or after August 1, 2005. Upon completing subsequent renewal applications, a physician's statement dated no more than ninety days prior to such application shall be required every fourth year. Such physician's statement shall state the expiration date for the temporary windshield placard. If the physician fails to record an expiration date on the physician's statement, the director shall issue the temporary windshield placard for a period of thirty days. The director may stagger the requirement of a physician's statement on all renewals for the initial implementation of a four-year period.

18. The director of revenue upon receiving a physician's statement pursuant to this subsection shall check with the state board of registration for the healing arts created in section 334.120, RSMo, or the Missouri state board of nursing established in section 335.021, RSMo, with respect to physician's statements signed by advanced practice registered nurses, or the Missouri state board of chiropractic examiners established in section 331.090, RSMo, with

respect to physician's statements signed by licensed chiropractors, or with the board of optometry established in section 336.130, RSMo, with respect to physician's statements signed by licensed optometrists, or the state board of podiatric medicine created in section 330.100, RSMo, with respect to physician's statements signed by physicians of the foot or podiatrists to determine whether the physician is duly licensed and registered pursuant to law. If such applicant obtaining a disabled license plate or placard presents proof of disability in the form of a statement from the United States Veterans' Administration verifying that the person is permanently disabled, the applicant shall be exempt from the four-year certification requirement of this subsection for renewal of the plate or placard. Initial applications shall be accompanied by the physician's statement required by this section. Notwithstanding the provisions of paragraph (f) of subdivision (4) of subsection 1 of this section, any person seventy-five years of age or older who provided the physician's statement with the original application shall not be required to provide a physician's statement for the purpose of renewal of disabled persons license plates or windshield placards.

19. The boards shall cooperate with the director and shall supply information requested pursuant to this subsection. The director shall, in cooperation with the boards which shall assist the director, establish a list of all Missouri physicians and other authorized health care practitioners and of any other information necessary to administer this section.

20. Where the owner's application is based on the fact that the vehicle is used at least fifty percent of the time by a physically disabled person, the applicant shall submit a statement stating this fact, in addition to the physician's statement. The statement shall be signed by both the owner of the vehicle and the physically disabled person. The applicant shall be required to submit this statement with each application for license plates. No person shall willingly or knowingly submit a false statement and any such false statement shall be considered perjury and may be punishable pursuant to section 301.420.

21. The director of revenue shall retain all physicians' statements and all other documents received in connection with a person's application for disabled license plates and/or disabled windshield placards.

22. The director of revenue shall enter into reciprocity agreements with other states or the federal government for the purpose of recognizing disabled person license plates or windshield placards issued to physically disabled persons.

23. When a person to whom disabled person license plates or a removable or temporary windshield placard or both have been issued dies, the personal representative of the decedent or such other person who may come into or otherwise take possession of the disabled license plates or disabled windshield placard shall return the same to the director of revenue under penalty of law. Failure to return such plates or placards shall constitute a class B misdemeanor.

24. The director of revenue may order any person issued disabled person license plates or windshield placards to submit to an examination by a chiropractor, osteopath, or physician, or to such other investigation as will determine whether such person qualifies for the special plates or placards.

25. If such person refuses to submit or is found to no longer qualify for special plates or placards provided for in this section, the director of revenue shall collect the special plates or placards, and shall furnish license plates to replace the ones collected as provided by this chapter.

26. In the event a removable or temporary windshield placard is lost, stolen, or mutilated, the lawful holder thereof shall, within five days, file with the director of revenue an application and an affidavit stating such fact, in order to purchase a new placard. The fee for the replacement windshield placard shall be four dollars.

27. Fraudulent application, renewal, issuance, procurement or use of disabled person license plates or windshield placards shall be a class A misdemeanor. It is a class B misdemeanor for a physician, chiropractor, podiatrist or optometrist to certify that an individual or family member is qualified for a license plate or windshield placard based on a disability, the diagnosis of which is outside their scope of practice or if there is no basis for the diagnosis.”; and

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

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

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

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 1, In the Title, Line 2, by inserting after the number "208.010," the number "208.955,"; and

Further amend said bill, Page 2, In the Title, Line 27, by deleting the words "one hundred five" and inserting in lieu thereof the words "one hundred six"; and

Further amend said bill, Page 2, Section A, Line 1, by inserting after the number "208.010," the number "208.955,"; and

Further amend said bill, Page 2, Section A, Line 25, by deleting the word "one hundred five" and inserting in lieu thereof the word "one hundred six"; and

Further amend said bill, Page 2, Section A, Line 26, by inserting after the number "208.010," the number "208.955,"; and

Further amend said bill, Page 12, Section 208.010, Line 177, by inserting after all of said line the following:

"208.955. 1. There is hereby established in the department of social services the "MO HealthNet Oversight Committee", which shall be appointed by January 1, 2008, and shall consist of [eighteen] **nineteen** members as follows:

(1) Two members of the house of representatives, one from each party, appointed by the speaker of the house of representatives and the minority floor leader of the house of representatives;

(2) Two members of the Senate, one from each party, appointed by the president pro tem of the senate and the minority floor leader of the senate;

(3) One consumer representative;

(4) Two primary care physicians, licensed under chapter 334, RSMo, recommended by any Missouri organization or association that represents a significant number of physicians licensed in this state, who care for participants, not from the same geographic area;

(5) Two physicians, licensed under chapter 334, RSMo, who care for participants but who are not primary care physicians and are not from the same geographic area, recommended by any Missouri organization or association that represents a significant number of physicians licensed in this state;

(6) **One nurse licensed or registered under chapter 335 who cares for participants;**

(7) One representative of the state hospital association;

[ (7) ] (8) One nonphysician health care professional who cares for participants, recommended by the director of the department of insurance, financial institutions and professional registration;

[ (8) ] (9) One dentist, who cares for participants. The dentist shall be recommended by any Missouri organization or association that represents a significant number of dentists licensed in this state;

[ (9) ] (10) Two patient advocates;

[ (10) ] (11) One public member; and

[ (11) ] (12) The directors of the department of social services, the department of mental health, the department of health and senior services, or the respective directors' designees, who shall serve as ex-officio members of the committee.

2. The members of the oversight committee, other than the members from the general assembly and ex-officio members, shall be appointed by the governor with the advice and consent of the senate. A chair of the oversight committee shall be selected by the members of the oversight committee. [Of the members first appointed to the oversight committee by the governor, eight members shall serve a term of two years, seven members shall serve a term of one year, and thereafter,] Members shall serve a term of two years. Members shall continue to serve until their successor is duly appointed and qualified. Any vacancy on the oversight committee shall be filled in the same manner as the original appointment. Members shall serve on the oversight committee without compensation but may be reimbursed for their actual and necessary expenses from moneys appropriated to the department of social services for that purpose. The department of social services shall provide technical, actuarial, and administrative support services as required by the oversight committee. The oversight committee shall:

(1) Meet on at least four occasions annually, including at least four before the end of December of the first year the committee is established. Meetings can be held by telephone or video conference at the discretion of the committee;

(2) Review the participant and provider satisfaction reports and the reports of health outcomes, social and behavioral outcomes, use of evidence-based medicine and best practices as required of the health improvement plans and the department of social services under section 208.950;

(3) Review the results from other states of the relative success or failure of various models of health delivery attempted;

(4) Review the results of studies comparing health plans conducted under section 208.950;

(5) Review the data from health risk assessments collected and reported under section 208.950;

(6) Review the results of the public process input collected under section 208.950;

(7) Advise and approve proposed design and implementation proposals for new health improvement plans submitted by the department, as well as make recommendations and suggest modifications when necessary;

(8) Determine how best to analyze and present the data reviewed under section 208.950 so that the health outcomes, participant and provider satisfaction, results from other states, health plan comparisons, financial impact of the various health improvement plans and models of care, study of provider access, and results of public input can be used by consumers, health care providers, and public officials;

(9) Present significant findings of the analysis required in subdivision (8) of this subsection in a report to the general assembly and governor, at least annually, beginning January 1, 2009;

(10) Review the budget forecast issued by the legislative budget office, and the report required under subsection (22) of subsection 1 of section 208.151, and after study:

(a) Consider ways to maximize the federal drawdown of funds;

(b) Study the demographics of the state and of the MO HealthNet population, and how those demographics are changing;

(c) Consider what steps are needed to prepare for the increasing numbers of participants as a result of the baby boom following World War II;

(11) Conduct a study to determine whether an office of inspector general shall be established. Such office would be responsible for oversight, auditing, investigation, and performance review to provide increased accountability, integrity, and oversight of state medical assistance programs, to assist in improving agency and program operations, and to deter and identify fraud, abuse, and illegal acts. The committee shall review the experience of all states that have created a similar office to determine the impact of creating a similar office in this state; and

(12) Perform other tasks as necessary, including but not limited to making recommendations to the division concerning the promulgation of rules and emergency rules so that quality of care, provider availability, and participant satisfaction can be assured.

3. By July 1, 2011, the oversight committee shall issue findings to the general assembly on the success and failure of health improvement plans and shall recommend whether or not any health improvement plans should be discontinued.

4. The oversight committee shall designate a subcommittee devoted to advising the department on the development of a comprehensive entry point system for long-term care that shall:

(1) Offer Missourians an array of choices including community-based, in-home, residential and institutional services;

(2) Provide information and assistance about the array of long-term care services to Missourians;

(3) Create a delivery system that is easy to understand and access through multiple points, which shall include but shall not be limited to providers of services;

(4) Create a delivery system that is efficient, reduces duplication, and streamlines access to multiple funding sources and programs;

(5) Strengthen the long-term care quality assurance and quality improvement system;

(6) Establish a long-term care system that seeks to achieve timely access to and payment for care, foster quality and excellence in service delivery, and promote innovative and cost-effective strategies; and

(7) Study one-stop shopping for seniors as established in section 208.612.

5. The subcommittee shall include the following members:

(1) The lieutenant governor or his or her designee, who shall serve as the subcommittee chair;

(2) One member from a Missouri area agency on aging, designated by the governor;

(3) One member representing the in-home care profession, designated by the governor;

(4) One member representing residential care facilities, predominantly serving MO HealthNet participants, designated by the governor;

(5) One member representing assisted living facilities or continuing care retirement communities, predominantly serving MO HealthNet participants, designated by the governor;

(6) One member representing skilled nursing facilities, predominantly serving MO HealthNet participants, designated by the governor;

(7) One member from the office of the state ombudsman for long-term care facility residents, designated by the governor;

(8) One member representing Missouri centers for independent living, designated by the governor;

(9) One consumer representative with expertise in services for seniors or the disabled, designated by the governor;

(10) One member with expertise in Alzheimer's disease or related dementia;

(11) One member from a county developmental disability board, designated by the governor;

(12) One member representing the hospice care profession, designated by the governor;

(13) One member representing the home health care profession, designated by the governor;

(14) One member representing the adult day care profession, designated by the governor;

(15) One member gerontologist, designated by the governor;

(16) Two members representing the aged, blind, and disabled population, not of the same geographic area or demographic group designated by the governor;

(17) The directors of the departments of social services, mental health, and health and senior services, or their designees; and

(18) One member of the house of representatives and one member of the senate serving on the oversight committee, designated by the oversight committee chair. Members shall serve on the subcommittee without compensation but may be reimbursed for their actual and necessary expenses from moneys appropriated to the department of health and senior services for that purpose. The department of health and senior services shall provide technical and administrative support services as required by the committee.

6. By October 1, 2008, the comprehensive entry point system subcommittee shall submit its report to the governor and general assembly containing recommendations for the implementation of the comprehensive entry point system, offering suggested legislative or administrative proposals deemed necessary by the subcommittee to minimize conflict of interests for successful implementation of the system. Such report shall contain, but not be limited to, recommendations for implementation of the following consistent with the provisions of section 208.950:

(1) A complete statewide universal information and assistance system that is integrated into the web-based electronic patient health record that can be accessible by phone, in-person, via MO HealthNet providers and via the Internet that connects consumers to services or providers and is used to establish consumers' needs for services. Through the system, consumers shall be able to independently choose from a full range of home, community-based, and facility-based health and social services as well as access appropriate services to meet individual needs and preferences from the provider of the consumer's choice;

(2) A mechanism for developing a plan of service or care via the web-based electronic patient health record to authorize appropriate services;

(3) A preadmission screening mechanism for MO HealthNet participants for nursing home care;

(4) A case management or care coordination system to be available as needed; and

(5) An electronic system or database to coordinate and monitor the services provided which are integrated into the web-based electronic patient health record.

7. Starting July 1, 2009, and for three years thereafter, the subcommittee shall provide to the governor, lieutenant governor and the general assembly a yearly report that provides an update on progress made by the subcommittee toward implementing the comprehensive entry point system.

8. The provisions of section 23.253, RSMo, shall not apply to sections 208.950 to 208.955."; and

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

Representative Kirkton moved that **House Amendment No. 9** be adopted.

Which motion was defeated.

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

House Amendment No. 10

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 61, Section 332.011, Line 22, by inserting after all of said line the following:

“334.010. 1. It shall be unlawful for any person not now a registered physician within the meaning of the law to practice medicine or surgery in any of its departments, to engage in the practice of medicine across state lines or to profess to cure and attempt to treat the sick and others afflicted with bodily or mental infirmities, [or engage in the practice of midwifery in this state,] except as herein provided.

2. For the purposes of this chapter, the "practice of medicine across state lines" shall mean:

(1) The rendering of a written or otherwise documented medical opinion concerning the diagnosis or treatment of a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent; or

(2) The rendering of treatment to a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent.

3. A physician located outside of this state shall not be required to obtain a license when:

(1) In consultation with a physician licensed to practice medicine in this state; and

(2) The physician licensed in this state retains ultimate authority and responsibility for the diagnosis or diagnoses and treatment in the care of the patient located within this state; or

(3) Evaluating a patient or rendering an oral, written or otherwise documented medical opinion, or when providing testimony or records for the purpose of any civil or criminal action before any judicial or administrative proceeding of this state or other forum in this state; or

(4) Participating in a utilization review pursuant to section 376.1350, RSMo.”; and

Further amend said bill, Page 81, Section 334.735, Line 174, by inserting after all of said line the following:

“334.1200. 1. As used in sections 334.1200 to 334.1230, the following terms shall mean:

(1) "Antepartum", before birth;

(2) "Board", state board of registration for the healing arts;

(3) "Certified professional midwife", any person who is certified by the North American Registry of Midwives as a certified professional midwife and licensed under this chapter to provide midwife services;

(4) "Client", a person who retains the services of a licensed certified professional midwife;

(5) "Consultation", communication between a licensed certified professional midwife and a licensed physician for the purpose of receiving and implementing advice regarding the care of a pregnant woman or infant;

(6) "Committee", the advisory committee for certified midwives;

(7) "Intrapartum", during birth;

(8) "Midwife services", the management and care of women in the antepartum, intrapartum, and postpartum period of the maternity cycle;

(9) "Postpartum", after birth, but no longer than one hundred twenty days after birth;

(10) "Protocol", a defined response to a specific clinical situation providing suggested pathways to be followed by the licensed certified professional midwife for managing a particular issue or complication. The protocol shall be developed collaboratively by the licensed certified professional midwife and a physician licensed under this chapter, and shall be written, signed, and dated by the physician prior to its implementation;

(11) "Referral", the process by which the licensed certified professional midwife directs the client to a licensed physician. The client and the physician shall determine whether subsequent care shall be provided by the physician, the midwife, or through a collaboration between the physician and the midwife;

(12) "Transfer of care", the transfer of care of the client to a medical facility or a physician who then assumes the responsibility for the direct care of the client;

(13) "Written collaboration agreement", a written jointly agreed upon plan of care whereby a physician delegates professional responsibilities to a licensed certified professional midwife who is qualified by training, competency, experience, or licensure to perform such responsibilities.

334.1202. 1. There is hereby established under the state board of registration for the healing arts the "Advisory Committee for Certified Professional Midwives", which shall guide, advise, make recommendations to, and assist the board in carrying out the provisions of sections 334.1200 to 334.1230.

2. No later than December 31, 2010, the governor shall appoint members to the committee with the advice and consent of the senate. The committee shall consist of five members, each of whom are United States citizens and who have been residents of this state for at least one year immediately preceding their appointment. Of these five members, one member shall be a public member and four members shall be licensed certified midwives who attend births in homes or other out-of-hospital settings; provided that the first midwife members appointed need not be licensed at the time of appointment if they are actively working toward licensure under sections 334.1200 to 334.1230.

3. The initial appointments to the committee shall be one member for a term of one year, two members for a term of two years, and two members for a term of three years. After the initial terms, each member shall serve a three-year term. No member of the committee shall serve more than two consecutive three-year terms. The organization of the committee shall be established by members of the committee. Upon the death, resignation, or removal from office of any member of the committee, the appointment to fill the vacancy shall be for the unexpired portion of the term so vacated and shall be made within sixty days after the vacancy occurs.

4. The public member of the committee shall not be a member of any profession regulated by chapter 334 or 335 or the spouse of any such person. The public member is subject to the provisions of section 620.132.

5. Members of the committee shall not be personally liable, either jointly or severally, for any act or acts committed in the performance of their official duties as committee members. No committee member shall be personally liable for any court costs which accrue in any action by or against the committee.

6. Notwithstanding any other provision of law to the contrary, any appointed member of the committee shall receive as compensation an amount established by the director of the division of professional registration not to exceed fifty dollars per day for committee business plus actual and necessary expenses. The director of the division of professional registration shall establish by rule guidelines for payment. All staff for the committee shall be provided by the board.

7. The committee shall hold an open annual meeting at which time it shall elect from its membership a chair and secretary. The committee may hold such additional meetings as may be required in the performance of its duties, provided that notice of every meeting shall be given to each member at least ten days prior to the date of the meeting. A quorum of the committee shall consist of a majority of its members.

8. No licensing activity or other statutory requirements shall become effective until expenditures or personnel are specifically appropriated for the purpose of conducting the business as required to administer sections 334.1200 to 334.1230, and the initial rules have become effective.

334.1204. 1. No person shall hold himself or herself out as a midwife or certified professional midwife in this state unless such person is licensed under sections 334.1200 to 334.1230.

2. Nothing in sections 334.1200 to 334.1230 shall be construed to prohibit physicians licensed under this chapter or certified nurse midwives licensed under chapter 335 from providing midwife services, so long as such services are lawfully performed under such individual's scope of practice as authorized by law and regulation.

334.1206. 1. The board shall issue licenses to applicants who:

(1) Present evidence of current certification by the North American Registry of Midwives as a certified professional midwife;

(2) Present documentation verifying that the applicant has the following practical experience through an apprenticeship or other supervisory setting:

(a) The provision of seventy-five prenatal examinations, including twenty initial examinations;

(b) Supervised participation as a primary caregiver in at least fifty births, at least twenty of which shall be in a home setting;

(c) Twenty newborn examinations; and

(d) Thirty postpartum examinations;

(3) Present evidence of current certification in adult and neonatal cardiopulmonary resuscitation;

(4) Agree to comply with the informed consent requirement under subsection 1 of section 334.1220;

(5) Pay a licensure fee set by the board; and

(6) Meet other requirements established by the board.

2. The board shall renew licenses to applicants who:

(1) Present evidence of the continuing education required in section 334.1214;

- (2) Present evidence of attendance at a minimum of three hours per year of peer review;
- (3) Present evidence of current certification in adult and neonatal cardiopulmonary resuscitation;
- (4) Present evidence of a written collaboration agreement;
- (5) Pay a renewal fee set by the board; and
- (6) Submit the following data on a form to be promulgated by rule and made available by the department of health and senior services:
  - (a) The number of women to whom care was provided since the date of the previously issued license;
  - (b) The number of deliveries performed;
  - (c) The number of perinatal transfers;
  - (d) The number of transfers during labor, delivery, and immediately following birth; and
  - (e) The number of perinatal deaths.

3. Any license issued under sections 334.1200 to 334.1230 shall expire one year after the date of its issuance. The board may refuse to issue or renew any license under this chapter for one or any combination of causes stated in subsection 2 of section 334.1210. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew any license, the board may, at its discretion, issue a license which is subject to probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of section 334.1210. The board's order of probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefore, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered waived.

334.1208. Any complaint received by the board concerning a person who is licensed under sections 334.1200 to 334.1230 shall be recorded as received and the date received. The board:

- (1) Shall investigate all complaints concerning alleged violations of sections 334.1200 to 334.1230 or if there are grounds for the suspension, revocation, or refusal to issue a license. The board may employ investigators who shall investigate complaints and make inspections and any inquiries as, in the judgment of the board, are appropriate to enforce sections 334.1200 to 334.1230;
- (2) May issue subpoenas and subpoena duces tecum in order to cause any licensee or any other person to produce records or to appear as a witness under any investigation or proceeding conducted under sections 334.1200 to 334.1230;
- (3) May, in lieu of or in addition to any remedy provided in this section, file a petition in the name of the state asking a court to issue a restraining order, an injunction or a writ of mandamus against any person who is or has been violating any of the provisions of sections 334.1200 to 334.1230 or any lawful rule, order or subpoena of the board; and
- (4) May, if the evidence supports such action, cause a complaint to be filed with the administrative hearing commission as provided in chapter 621 against any holder of any license issued under sections 334.1200 to 334.1230.

334.1210. 1. The board may refuse to issue or renew any license required under sections 334.1200 to 334.1230 for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of a license required by sections 334.1200 to 334.1230, or any person who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

- (1) Use or unlawful possession of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform midwife services;
- (2) The person has been finally adjudicated and found guilty or entered a plea of guilty or nolo contendere in a criminal prosecution under the laws of any state or of the United States for any offense reasonably related to the qualifications, functions, or duties of a certified professional midwife, for any offense an essential

element is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation, or bribery in securing a license issued under sections 334.1200 to 334.1230;

(4) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation;

(5) Incompetence, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions and duties of a certified professional midwife;

(6) Violation of or assisting or enabling any person to violate any provision of sections 334.1200 to 334.1230 or any lawful regulation adopted under sections 334.1200 to 334.1230;

(7) Impersonation of any person holding a license or allowing any person to use his or her license;

(8) Disciplinary action against the holder of a license granted by another state, territory, federal agency, or country upon grounds for which revocation or suspension is authorized in this state;

(9) The person has been adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice as a certified professional midwife who is not licensed and currently eligible to practice under sections 334.1200 to 334.1230;

(11) Issuance of a license based upon a material mistake of fact;

(12) Violation of any professional trust or confidence;

(13) Use of any advertisement or solicitation which is false, misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(14) Committing unethical conduct as defined by the board;

(15) Engaging in conduct detrimental to the health or safety of either the mother or infant, or both, as determined by the board; or

(16) Violation of the drug laws or regulations of this state, any other state, or the federal government.

3. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination:

(1) Warn, censure, or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years;

(2) Suspend the person's license for a period not to exceed three years;

(3) Restrict or limit the person's license for an indefinite period of time;

(4) Revoke the person's license;

(5) Administer a public or private reprimand;

(6) Deny the person's application for a license;

(7) Permanently withhold issuance of a license; or

(8) Require the person to attend such continuing educational courses and pass such examinations as the board may direct.

4. An individual whose license has been revoked shall wait at least one year from the date of revocation to apply for renewal of the license. Renewal shall be at the discretion of the board after compliance with all requirements of sections 334.1200 to 334.1230 relative to the licensing of the applicant for the first time.

334.1212. The board may promulgate rules necessary to implement and administer the provisions of sections 334.1200 to 334.1230. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

334.1214. 1. All fees payable under sections 334.1200 to 334.1230 shall be set by the board at a level to produce revenue sufficient to cover but not substantially exceed the cost and expense of administering said sections. All such fees shall be collected by the division of professional registration, which shall transmit them to the department of revenue for deposit in the state treasury to the credit of the board of registration for the healing arts fund.

2. Upon appropriation by the general assembly, the money in the fund shall be used to administer the provisions of sections 334.1200 to 334.1230.

334.1216. 1. Each person licensed under sections 334.1200 to 334.1230 shall accumulate thirty hours of continuing education every two years to be eligible for renewal of the license, as follows:

(1) Continuing education shall be obtained through courses recommended by the committee and approved by the board;

(2) Adherence to the continuing education requirement shall be reviewed for licensure renewal in each even-numbered year and shall include all approved continuing education courses taken during the previous two years.

334.1218. Any person licensed as a certified professional midwife and providing midwife services shall, as a condition of licensure, furnish satisfactory evidence of a malpractice insurance policy of at least five hundred thousand dollars.

334.1220. 1. Every licensed certified professional midwife shall present an informed consent document to each client, which shall include but not be limited to, the following:

(1) A description of the licensed certified professional midwife's education, training, and qualifications;

(2) Licensure as a certified professional midwife, including the effective dates of the license;

(3) The benefits and risks associated with childbirth in the setting selected by the client;

(4) The name, address, and telephone number of the physician who is collaborating with the licensed certified professional midwife;

(5) A health history sheet including preexisting conditions or surgeries, previous pregnancies, physical examination, nutritional status, and a written assessment of risk factors;

(6) A statement notifying the client of complications that would require transfer of the client's care to a licensed physician;

(7) A statement advising the client to see a licensed physician for the purpose of prenatal testing;

(8) A statement concerning the licensed certified professional midwife's malpractice or liability insurance coverage; and

(9) A written care plan specific to the client to ensure the continuity of care throughout the antepartum, intrapartum, and postpartum periods. The written care plan must incorporate the conditions under which consultation, including the transfer of care or transport of the client, may be implemented.

2. The informed consent document shall be signed and dated by the client, as evidence that the document has been received and explained, and kept by the midwife in the client's permanent records.

3. Nothing in sections 334.1200 to 334.1230 shall be construed to apply to a person who provides information and support in preparation for labor and delivery and assists in the delivery of an infant if that person does not do the following:

(1) Advertise as a midwife or as a provider of midwife services;

(2) Accept any form of compensation for midwife services; and

(3) Use any words, letters, signs, or figures to indicate that the person is a midwife.

3. No physician, nurse, emergency medical technician, hospital, or agents thereof providing emergency medical care or treatment for a woman or infant arising during childbirth as a consequence of the care received by a licensed certified professional midwife shall be liable for any civil damages for any act or omission resulting from the rendering of such services unless such act or omission was the result of gross negligence or willful misconduct on the part of the physician, nurse, emergency medical technician, hospital, or agents thereof.

4. Nothing in sections 334.1200 to 334.1230 shall be construed to prohibit the attendance at birth of the mother's choice of family, friends, or other uncompensated labor support attendants.

334.1222. 1. Licensed certified professional midwives shall practice only under a written collaboration agreement with a physician who is licensed under this chapter and who has obstetrical privileges at a nearby hospital. The written collaboration agreement shall include appropriate protocols for consultation, referral, and transfer, and shall specify the steps or actions that will be taken to ensure full compliance with the testing and reporting requirements set forth in sections 191.331, 191.332, 191.925, 193.085, 210.050, 210.070, and 210.080.

2. The collaborating physician shall be immediately available for consultation to the licensed certified professional midwife at all times.

3. No physician shall enter into a collaboration agreement with more than three licensed certified professional midwives at any given time.

4. To facilitate the management of a mother or baby needing unexpected emergency care, a licensed certified professional midwife shall, for every client, have a written emergency transport arrangement with the nearest hospital capable of handling obstetrical emergencies. In the event an emergency transport is needed, the licensed certified professional midwife shall notify the hospital emergency department as soon as possible and provide a copy of the medical record to the receiving physician.

334.1224. No licensed certified professional midwife shall be permitted to:

- (1) Prescribe drugs or medications;
- (2) Perform any surgical procedures;
- (3) Perform medical inductions or cesarean sections during the delivery of an infant;
- (4) Use forceps during the delivery of an infant;
- (5) Perform sonograms;
- (6) Perform vacuum delivery of an infant; or
- (7) Perform or induce an abortion.

334.1226. 1. Every licensed certified professional midwife shall keep a record of each client served for a minimum of seven years after delivery. Such record shall contain:

- (1) Name, address and telephone number of client;
- (2) Informed consent document signed and dated by client and the licensed certified professional midwife; and
- (3) Documentation of all consultations, referrals, transfer of care, and emergency transport and care rendered, and all subsequent updates.

2. When a birth or stillbirth occurs without a physician in attendance at or immediately after the birth but with a licensed certified professional midwife in attendance at or immediately after the birth, it shall be the responsibility of the licensed certified professional midwife to fulfill the reporting requirements of section 210.050, and to prepare and file the certificate of birth as required by section 193.085.

3. Every licensed certified professional midwife shall submit a client summary report for each client to the department. Such summary reports shall be submitted on a biannual basis.

334.1228. Every licensed certified professional midwife who intends to provide midwife services for any client shall, within ten days of entering into any agreement to provide such services, file with the department of health and senior services a notice of intent to home deliver. The forms for filing the notice of intent to home deliver shall be promulgated by rule and made available by the department of health and senior services. The department shall maintain a permanent database, which shall be made available to the public, of all home deliveries done under the care of a licensed certified professional midwife.

334.1230. Any person who violates the provisions of sections 334.1200 to 334.1230, or any rule or order under sections 334.1200 to 334.1230 is guilty of a class A misdemeanor.”; and

Further amend said bill, Page 125, Section 1, Line 39, by inserting after all of said line the following:

“[334.260. On August 29, 1959, all persons licensed under the provisions of chapter 334, RSMo 1949, as midwives shall be deemed to be licensed as midwives under this chapter and subject to all the provisions of this chapter.]”;

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

Representative Pratt offered **House Substitute Amendment No. 1 for House Amendment No. 10.**

House Substitute Amendment No. 1  
for  
House Amendment No. 10

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 66, Section 334.100, Line 170, by inserting after the word "if" the following:

**"a physician has not met in person with the patient at least twenty-four hours prior to performing, or";** and

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

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 084

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Icet	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Lipke	Loehner
McGhee	McNary	Molendorp	Munzlinger	Nance
Nasheed	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Riddle	Ruestman	Ruzicka
Sander	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schoeller	Self	Silvey	Smith 14
Smith 150	Stream	Sutherland	Thomson	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Zerr	Mr Speaker	

NOES: 064

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Casey	Chappelle-Nadal	Colona
Conway	Curls	Dougherty	Englund	Fallert
Fischer 107	Frame	Grill	Harris	Hodges
Holsman	Hoskins 80	Hummel	Jones 63	Kelly
Kirkton	Komo	Kratky	Lampe	LeBlanc
LeVota	Liese	Low	McClanahan	McDonald
McNeil	Morris	Newman	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Still	Storch	Swinger	Talboy
Todd	Walsh	Walton Gray	Webb	Webber
Whitehead	Witte	Yaeger	Zimmerman	

PRESENT: 000

1275 *Journal of the House*

ABSENT WITH LEAVE: 014

Carter	Corcoran	Diehl	Franz	Hughes
Kander	Kuessner	Meadows	Meiners	Spreng
Stevenson	Tilley	Vogt	Wright	

VACANCIES: 001

On motion of Representative Pratt, **House Substitute Amendment No. 1 for House Amendment No. 10** was adopted by the following vote:

AYES: 108

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Casey	Conway	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Dougherty	Dugger	Dusenberg
Emery	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Franz	Funderburk
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Hoskins 121	Hummel
Icet	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kratky	Kraus	Lair	Largent
Leara	Liese	Lipke	Loehner	McGhee
McNary	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Self	Shively	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Swinger	Thomson
Todd	Tracy	Viebrock	Wallace	Walsh
Wasson	Weter	Wilson 119	Wilson 130	Wright
Yaeger	Zerr	Mr Speaker		

NOES: 042

Atkins	Burnett	Calloway	Chappelle-Nadal	Colona
Corcoran	Curls	Englund	Frame	Holsman
Hoskins 80	Jones 63	Kander	Kelly	Kirkton
Komo	Lampe	LeBlanc	LeVota	Low
McClanahan	McDonald	McNeil	Morris	Newman
Norr	Oxford	Pace	Roorda	Schoemehl
Schupp	Skaggs	Still	Storch	Talboy
Vogt	Walton Gray	Webb	Webber	Whitehead
Witte	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 012

Carter	Cooper	Diehl	Dixon	Hughes
Kuessner	Meadows	Meiners	Schaaf	Spreng
Tilley	Wells			

VACANCIES: 001

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 083

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Dugger	Dusenberg	Emery	Ervin
Faith	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Grisamore	Guernsey	Guest
Hobbs	Hoskins 121	Icet	Jones 89	Jones 117
Keeney	Kingery	Koenig	Kraus	Lair
Largent	Leara	Lipke	Loehner	McGhee
McNary	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schad	Scharnhorst	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stream
Sutherland	Thomson	Tracy	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wright	Zerr	Mr Speaker		

NOES: 066

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Casey	Chappelle-Nadal	Colona
Conway	Corcoran	Curls	Dougherty	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hoskins 80	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Lampe	LeBlanc	LeVota	Liese	Low
McClanahan	McDonald	McNeil	Morris	Newman
Norr	Oxford	Pace	Quinn	Roorda
Salva	Scavuzzo	Schieffer	Schoemehl	Schupp
Shively	Skaggs	Still	Storch	Swinger
Talboy	Todd	Vogt	Walsh	Walton Gray
Webb	Webber	Whitehead	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 013

Carter	Cooper	Diehl	Dixon	Hughes
Kuessner	Meadows	Meiners	Rucker	Schaaf
Spreng	Stevenson	Tilley		

VACANCIES: 001

On motion of Representative Wasson, **HCS SCS SB 754, as amended**, was adopted.

On motion of Representative Wasson, **HCS SCS SB 754, as amended**, was read the third time and passed by the following vote:

AYES: 114

Allen	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Casey	Conway	Cooper
Cox	Cunningham	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Dixon	Dougherty
Dugger	Dusenberg	Emery	Englund	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Hoskins 121
Hummel	Icey	Jones 89	Jones 117	Keeney
Kingery	Koenig	Kratky	Kraus	Lair
Largent	Leara	Liese	Lipke	Loehner
McClanahan	McGhee	McNary	Meiners	Molendorp
Munzlinger	Nance	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Self
Shively	Silvey	Smith 14	Smith 150	Spreng
Storch	Stream	Sutherland	Thomson	Todd
Tracy	Viebrock	Wallace	Walsh	Wasson
Wells	Weter	Wilson 119	Wilson 130	Witte
Wright	Yaeger	Zerr	Mr Speaker	

NOES: 038

Atkins	Burnett	Calloway	Chappelle-Nadal	Colona
Corcoran	Curls	Ervin	Grill	Holsman
Hoskins 80	Jones 63	Kander	Kelly	Kirkton
Komo	Lampe	LeBlanc	LeVota	Low
McDonald	McNeil	Morris	Nasheed	Newman
Norr	Oxford	Pace	Schupp	Skaggs
Still	Talboy	Vogt	Walton Gray	Webb
Webber	Whitehead	Zimmerman		

PRESENT: 001

Swinger

ABSENT WITH LEAVE: 009

Carter	Diehl	Frame	Hughes	Kuessner
Meadows	Sander	Stevenson	Tilley	

VACANCIES: 001

Representative Hobbs declared the bill passed.

**HCS SB 795**, relating to animals and agriculture, was taken up by Representative Loehner.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 795, Section 266.355, Page 16, Lines 10 and 11, by deleting all of said lines and inserting in lieu thereof the following:

**“set forth in ANSI Standard K6.1-1999, Safety Requirements for the Storage and Handling of Anhydrous Ammonia; except that, ANSI Standard K6.1-1999, shall not be adopted by the”;** and

Further amend said bill, Section 267.810, Page 19, Lines 26 and 27, by deleting all of said lines and inserting in lieu thereof the following:

**“(18) A member representative of the Missouri Federation of Animal Owners; and  
(19) A producer member representative of the Missouri Rice Council.”;** and

Further amend said bill and section, Page 20, Line 43, by inserting immediately after the word “committee”, as it appears for the first time on said line, the following:

**“nor shall the members be reimbursed for any expenses associated with their service on the committee”;** and

Further amend said bill and page, section 270.260, Line 1, by inserting immediately after the word “who”, the following:

**“recklessly or”;** and

Further amend said bill, section and page, Lines 3 thru 20, by deleting all of said lines and inserting in lieu thereof the following:

“such animals is guilty of a class A misdemeanor. Each swine so released shall be a separate offence.

**2. Every person who has previously pled guilty to or been found guilty of violating the provisions of section 270.260 committed on two separate occasions where such offence occurred within ten years of the date of the occurrence of the present offence and who subsequently pleads guilty to or is found guilty of violating section 270.260 shall be guilty of a class D felony.”;** and

Further amend said bill and section, Page 21, Lines 23 and 24, by deleting all of said lines and inserting in lieu thereof the following:

**“270.270. 1. Any person possessing or transporting live Russian and European wild boar or wild-caught swine on or through public land without a Missouri department of agriculture permit is guilty of a class A misdemeanor. Each violation of this subsection shall be a separate offense.**

**2. Any law enforcement officer, any agent of the conservation commission, or the state veterinarian is authorized to enforce the provisions of this section , section 270.260, and section 270.400.”;** and

Further amend said bill, Section 270.400, Page 21, Line 24, by inserting immediately after the word “fees”, the following:

**“and administrative penalties”;** and

Further amend said bill and section, Page 22, Line 41, by deleting all of said line and inserting in lieu thereof the following:

**“of the violation of section 270.260.”;** and

Further amend said bill, Section 578.622, Page 41, Line 2, by inserting immediately after the word "**Medicine**", the following:

**“, or a zoological park that is a part of a district created under chapter 184”**; and

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

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

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

AMEND House Amendment No. 1 to House Committee Substitute for Senate Bill No. 795, Page 1, Line 9, by inserting after the word "**Council**" the following:

**“;**  
**(20) A producer member representative of the Missouri Rural Crisis Center;**  
**(21) A producer member representative of the Missouri Farmers Union;**  
**(22) A producer member representative of R-Calf; and**  
**(23) A representative of a Missouri based animal shelter”**; and

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

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

Which motion was defeated.

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 795, Pages 8 and 9, Section 262.880, Lines 1 thru 46, by deleting all of said section and lines; and

Further amend said bill, Page 34, Section 319.321, Line 26, by inserting immediately after said line the following:

“393.1025. As used in sections 393.1020 to 393.1030, the following terms mean:

- (1) "Commission", the public service commission;
- (2) "Department", the department of natural resources;
- (3) "Electric utility", any electrical corporation as defined by section 386.020;
- (4) "Renewable energy credit" or "REC", a tradeable certificate of proof that one megawatt-hour of electricity has been generated from renewable energy sources; and
- (5) "Renewable energy resources", electric energy produced from wind, solar thermal sources, photovoltaic cells and panels, dedicated crops grown for energy production, cellulosic agricultural residues, plant residues, methane from landfills, **from agricultural operations**, or from wastewater treatment, **thermal depolymerization or pyrolysis for converting waste material to energy**, clean and untreated wood such as pallets, hydropower (not including pumped storage) that does not require a new diversion or impoundment of water and that has a nameplate rating of ten megawatts or less, fuel cells using hydrogen produced by one of the above-named renewable energy sources, and other sources of

energy not including nuclear that become available after November 4, 2008, and are certified as renewable by rule by the department.

393.1030. 1. The commission shall, in consultation with the department, prescribe by rule a portfolio requirement for all electric utilities to generate or purchase electricity generated from renewable energy resources. Such portfolio requirement shall provide that electricity from renewable energy resources shall constitute the following portions of each electric utility's sales:

- (1) No less than two percent for calendar years 2011 through 2013;
- (2) No less than five percent for calendar years 2014 through 2017;
- (3) No less than ten percent for calendar years 2018 through 2020; and
- (4) No less than fifteen percent in each calendar year beginning in 2021.

At least two percent of each portfolio requirement shall be derived from solar energy. The portfolio requirements shall apply to all power sold to Missouri consumers whether such power is self-generated or purchased from another source in or outside of this state. A utility may comply with the standard in whole or in part by purchasing RECs. Each kilowatt-hour of eligible energy generated in Missouri shall count as 1.25 kilowatt-hours for purposes of compliance.

2. The commission, in consultation with the department and within one year of November 4, 2008, shall select a program for tracking and verifying the trading of renewable energy credits. An unused credit may exist for up to three years from the date of its creation. A credit may be used only once to comply with sections 393.1020 to 393.1030 and may not also be used to satisfy any similar nonfederal requirement. An electric utility may not use a credit derived from a green pricing program. Certificates from net-metered sources shall initially be owned by the customer-generator. The commission, except where the department is specified, shall make whatever rules are necessary to enforce the renewable energy standard. Such rules shall include:

(1) A maximum average retail rate increase of one percent determined by estimating and comparing the electric utility's cost of compliance with least-cost renewable generation and the cost of continuing to generate or purchase electricity from entirely nonrenewable sources, taking into proper account future environmental regulatory risk including the risk of greenhouse gas regulation;

(2) Penalties of at least twice the average market value of renewable energy credits for the compliance period for failure to meet the targets of subsection 1. An electric utility will be excused if it proves to the commission that failure was due to events beyond its reasonable control that could not have been reasonably mitigated, or that the maximum average retail rate increase has been reached. Penalties shall not be recovered from customers. Amounts forfeited under this section shall be remitted to the department to purchase renewable energy credits needed for compliance. Any excess forfeited revenues shall be used by the department's energy center solely for renewable energy and energy efficiency projects;

(3) Provisions for an annual report to be filed by each electric utility in a format sufficient to document its progress in meeting the targets;

(4) Provision for recovery outside the context of a regular rate case of prudently incurred costs and the pass-through of benefits to customers of any savings achieved by an electrical corporation in meeting the requirements of this section.

3. Each electric utility shall make available to its retail customers a standard rebate offer of at least two dollars per installed watt for new or expanded solar electric systems sited on customers' premises, up to a maximum of twenty-five kilowatts per system, that become operational after 2009.

4. The department shall, in consultation with the commission, establish by rule a certification process for electricity generated from renewable resources and used to fulfill the requirements of subsection 1 of this section. Certification criteria for renewable energy generation shall be determined by factors that include fuel type, technology, and the environmental impacts of the generating facility. Renewable energy facilities shall not cause undue adverse air, water, or land use impacts, including impacts associated with the gathering of generation feedstocks. If any amount of fossil fuel is used with renewable energy resources, only the portion of electrical output attributable to renewable energy resources shall be used to fulfill the portfolio requirements.

**5. In carrying out the provisions of this section, the commission and the department shall include methane generated from the anaerobic digestion of farm animal waste and thermal depolymerization or pyrolysis for converting waste material to energy as renewable energy resources for purposes of this section.”; and**

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

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Bill No. 795, Section 311.297, Pages 25 and 26, Lines 1 thru 19, by deleting all of said section and lines; and

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

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

Which motion was defeated by the following vote:

AYES: 049

Allen	Burlison	Chappelle-Nadal	Colona	Cooper
Day	Deeken	Denison	Dethrow	Dixon
Dugger	Englund	Faith	Fallert	Flanigan
Flook	Hodges	Hummel	Jones 89	Jones 117
Keeney	Kratky	Loehner	McGhee	Molendorp
Munzlinger	Nasheed	Nieves	Parson	Pollock
Pratt	Roorda	Sander	Schad	Schoeller
Schoemehl	Self	Stevenson	Still	Storch
Swinger	Talboy	Tracy	Viebrock	Wallace
Walsh	Wells	Wilson 119	Witte	

NOES: 101

Atkins	Aull	Ayres	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burnett	Calloway	Casey	Conway	Corcoran
Cox	Cunningham	Curls	Davis	Dieckhaus
Diehl	Dougherty	Dusenberg	Emery	Ervin
Fischer 107	Fisher 125	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Holsman	Hoskins 80	Hoskins 121	Icet
Jones 63	Kelly	Kingery	Kirkton	Koenig
Komo	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeVota	Liese	Lipke
Low	McClanahan	McDonald	McNary	McNeil
Meiners	Nance	Newman	Nolte	Norr
Oxford	Pace	Parkinson	Quinn	Riddle
Rucker	Ruestman	Ruzicka	Salva	Sater
Scavuzzo	Schaaf	Scharnhorst	Schieffer	Schlottach
Schupp	Shively	Silvey	Skaggs	Smith 14
Smith 150	Stream	Sutherland	Thomson	Todd
Walton Gray	Wasson	Webb	Weter	Whitehead
Wilson 130	Wright	Yaeger	Zerr	Zimmerman
Mr Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 012

Brown 50	Carter	Frame	Hughes	Kander
LeBlanc	Meadows	Morris	Spreng	Tilley
Vogt	Webber			

VACANCIES: 001

**HCS SB 795, as amended**, was laid over.

### REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The following Senate Concurrent Resolutions were referred to the Committee indicated:

**SCR 34** - Special Standing Committee on General Laws

**SCR 47** - Special Standing Committee on Governmental Accountability and Ethics Reform

### REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

**SB 614** - Public Safety

**SB 687** - Insurance Policy

**SB 820** - Transportation

**SB 845** - Special Standing Committee on Governmental Accountability and Ethics Reform

**SB 919** - Elections

**SB 945** - Tax Reform

**SB 976** - Budget

**SS SCS SB 1014** - Crime Prevention

**SB 1022** - Health Care Policy

**SB 1026** - Special Standing Committee on Workforce Development and Workplace Safety

### COMMITTEE REPORTS

**Committee on Agri-Business**, Chairman Munzlinger reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **SCR 55**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

#### HOUSE COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 55

WHEREAS, our nation is fortunate to possess a wealth of natural resources and we have a long history of stewardship of these resources; and

WHEREAS, just as a farmer carefully tends the land on which his survival depends, many of our country's best resource stewards are those who use the resource and for whom the resource holds intrinsic value for sustenance, survival, or cultural tradition; and

WHEREAS, recreational fishermen and women are prime examples of responsible resource stewards, as they place an extremely high value on the quality and existence of our nation's coastal waters. Recreational fishermen and women respect our country's marine habitats because they know that in order for these ecosystems to sustain the aquatic life and natural wonder for which they are sought, these resources must be protected and carefully managed; and

WHEREAS, fishing as a pastime in our country boasts strong support, with 93 percent of Americans indicating they support legal recreational fishing, and it is an activity that is enjoyed by Americans across all age, gender, socio-economic, and ethnic distinctions; and

WHEREAS, recreational fishermen and women contribute significantly to the national and regional economies through equipment and gear purchases, fuel, lodging, and food, with total related sportfishing expenditures exceeding \$125 billion and supporting over 1 million jobs; and

WHEREAS, President Obama created an Interagency Ocean Policy Task Force in June of 2009 charged with recommending a national policy to ensure the protection, maintenance, and restoration of oceans, our coasts, and the Great Lakes; and

WHEREAS, the Task Force has issued two reports since its creation, the Interim Report of the Interagency Ocean Policy Task Force and the Interim Framework for Effective Coastal and Marine Spatial Planning, however the Task Force has failed to expressly recognize responsibly-regulated recreational fishing as a national priority for the oceans and Great Lakes in either of these reports; and

WHEREAS, without its recognition as a national priority, recreational fishing opportunities in the oceans and Great Lakes could become more limited, curtailed, or even potentially eliminated:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby strenuously urge President Obama to include recreational fishing and boating in the oceans and Great Lakes as national priorities and ensure and promote recreational fishing and access to public waters in the Interagency Ocean Policy Task Force's concluding report and any forthcoming Executive Order based upon the report; and

BE IT FURTHER RESOLVED that the members strongly urge the members of Congress to take any measure within their power to mitigate or overturn any Executive Order issued to implement recommendations by the Interagency Ocean Policy Task Force if such recommendations do not include responsibly-regulated recreational fishing and boating as national priorities for oceans, our coasts, and the Great Lakes and if such recommendations do not ensure and promote recreational fishing and access to public waters; and

BE IT FURTHER RESOLVED that this action should in no way be construed to represent support for modifying the congressionally authorized project purposes of the Flood Control Act of 1944; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for President Obama, the Chairperson of the Interagency Ocean Policy Task Force, the Speaker of the United States House of Representatives, the President of the United States Senate, and members of the Missouri congressional delegation.

**Committee on Corrections and Public Institutions, Chairman McGhee reporting:**

Mr. Speaker: Your Committee on Corrections and Public Institutions, to which was returned **HCS SCS SB 778**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

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

Mr. Speaker: Your Committee on Energy and Environment, to which was referred **SCR 56**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Special Standing Committee on General Laws**, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **SS SCS SB 793**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 67**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 79**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 2255**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCR 51**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCR 56**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SB 618**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 686**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS#2 SCS SB 778**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 808**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS#2 SB 848**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SCS SB 920**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 981**, begs leave to report it has examined the same and recommends that it **Do Pass**.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 1764**, entitled:

An act to repeal section 375.1175, RSMo, and to enact in lieu thereof two new sections relating to insurance, with a referendum clause.

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 SCS SB 884**, entitled:

An act to amend chapter 196, RSMo, by adding thereto six new sections relating to the tobacco master settlement agreement, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Speaker Pro Tem Pratt resumed the Chair.

### ADJOURNMENT

On motion of Representative Jones (89), the House adjourned until 10:00 a.m., Wednesday, May 5, 2010.

### COMMITTEE MEETINGS

#### CRIME PREVENTION

Wednesday, May 5, 2010, Hearing Room 5 upon morning recess.

Executive session.

#### ELEMENTARY AND SECONDARY EDUCATION

Wednesday, May 5, 2010, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearing to be held on: **SS SCS SB 734**

#### FISCAL REVIEW

Wednesday, May 5, 2010, 9:00 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow. **CANCELLED**

FISCAL REVIEW

Thursday, May 6, 2010, 9:00 a.m. House Chamber south gallery.  
All bills referred to committee.  
Executive session may follow.

HEALTH CARE POLICY

Wednesday, May 5, 2010, Hearing Room 6, 12:00 p.m. or upon morning recess.  
Executive session may follow.  
Public hearing to be held on: SS SB 1007

HIGHER EDUCATION

Thursday, May 6, 2010, 8:00 a.m. Hearing Room 5.  
Executive session.  
Public hearing to be held on: SS SJR 44, SS#3 SCS SJR 45

INSURANCE POLICY

Wednesday, May 5, 2010, 12:00 p.m. Hearing Room 7.  
Executive session may follow.  
Public hearing to be held on: SB 900

JUDICIARY

Wednesday, May 5, 2010, Hearing Room 1 upon morning recess.  
Executive session may follow.  
Public hearing to be held on: SB 684

LOCAL GOVERNMENT

Wednesday, May 5, 2010, 8:00 a.m. Hearing Room 7.  
Executive session may be held.  
Public hearing to be held on: HB 1676, SCS SB 700

RULES - PURSUANT TO RULE 25(32)(f)

Wednesday, May 5, 2010, Hearing Room 4 upon afternoon adjournment.  
Any bills referred to committee.  
Possible Executive session.

RULES - PURSUANT TO RULE 25(32)(f)

Thursday, May 6, 2010, 9:00 a.m. Hearing Room 4.  
Any bills referred to committee.  
Possible Executive session.

**SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES**

Wednesday, May 5, 2010, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: SB 693

**SPECIAL STANDING COMMITTEE ON GENERAL LAWS**

Thursday, May 6, 2010, 8:00 a.m. Hearing Room 7.

Executive session.

**SPECIAL STANDING COMMITTEE ON GOVERNMENTAL ACCOUNTABILITY AND ETHICS REFORM**

Thursday, May 6, 2010, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearing to be held on: SB 845

**SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING**

Wednesday, May 5, 2010, 12:00 p.m. Hearing Room 4.

Executive session may follow. AMENDED

Public hearing to be held on: SCS SB 616

**TAX REFORM**

Wednesday, May 5, 2010, 8:30 a.m. Hearing Room 5.

Executive session will be held.

Public hearing to be held on: SB 816

**TAX REFORM**

Thursday, May 6, 2010, 9:00 a.m. Hearing Room 6.

Executive session may be held.

Public hearing to be held on: SB 945

**HOUSE CALENDAR**

SIXTY-FIFTH DAY, WEDNESDAY, MAY 5, 2010

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 45, 69 & 70 - Kingery

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1684, as amended, HA 2, pending - Zerr
- 2 HCS HB 2026 - Hobbs
- 3 HB 1254 - Wilson (119)
- 4 HCS HB 2053 - Wallace

- 5 HB 1960 - Ruestman
- 6 HCS#2 HB 1812 - Kingery
- 7 HCS HB 1905 - Wilson (130)
- 8 HB 1945 - Brown (149)
- 9 HB 2250 - Curls
- 10 HCS HB 1238 - Davis
- 11 HCS HB 1383 - Nolte
- 12 HCS HB 1451 - Lipke
- 13 HCS HB 1833 - Munzlinger
- 14 HCS HB 2388 - Wasson
- 15 HB 1647 - Cooper
- 16 HB 1911 - Schad
- 17 HCS HB 2042 - Brown (30)
- 18 HCS HB 2102 - Munzlinger
- 19 HCS HB 2152 - Hobbs
- 20 HCS#2 HB 2225 - Loehner
- 21 HCS HB 1583 - Jones (117)
- 22 HCS HB 1725 - Davis

**HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCR 77, (4-21-10, Pages 1036-1037) - Franz

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HCS HJR 63 - Parson

**HOUSE BILLS FOR THIRD READING**

HCS HB 2156 - Molendorp

**HOUSE BILLS FOR THIRD READING - INFORMAL**

HCS HB 1994 - Zerr

**SENATE BILLS FOR SECOND READING**

SS SCS SB 884

**SENATE BILLS FOR THIRD READING**

- 1 HCS SS SCS SBs 586 & 617 - Emery
- 2 SB 771 - Wilson (119)
- 3 HCS SCS SB 774 - Riddle
- 4 HCS SCS SBs 842, 799 & 809 - Stream

- 5 HCS SB 795, as amended - Loehner
- 6 HCS SB 739 - Pratt
- 7 HCS SCS SB 777 - Jones (89)
- 8 HCS SB 791, E.C. - Emery

**HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SCS HB 1677, E.C. - Hoskins (80)
- 2 HB 1336, SA 1 - Brandom
- 3 HB 1691, SA 1, SA 2 - Kraus
- 4 SCS HB 1941, as amended - Parson
- 5 HB 1942, SA 1 - Parson
- 6 HB 1643, SA1, SA2 - Brown (50)
- 7 SS HCS HB 1806, as amended, E.C. - Franz
- 8 SCS HB 1612 - Molendorp
- 9 SCS HCS HB 2297, as amended - Molendorp
- 10 HCS HB 1977, SA1, SA2 - Wasson
- 11 SS SCS HB 2317, as amended, E.C. - Tracy
- 12 SCS HB 1392 - Kirkton
- 13 SCS HB 1892 - Nasheed
- 14 SS HCS HB 1848 - Holsman
- 15 SCS HCS HB 1903, E.C. - Icet
- 16 SS#2 HB 1268, as amended, E.C. - Meiners
- 17 SS HB 1713 - Sander
- 18 SCS HCS HB 1831 - Jones (117)
- 19 SS SCS HCS HB 1764 - Diehl

**BILLS IN CONFERENCE**

- SS SCS HB 1442, as amended, E.C. - Jones (89)

**SENATE CONCURRENT RESOLUTIONS**

- 1 HCS SCR 36, (4-13-10, Page 943) - Icet
- 2 SCR 33, (3-24-10, Pages 676-677) - Cunningham
- 3 HCS SCR 54, (4-20-10, Pages 1019-1020) - Allen

**HOUSE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

- HCS HB 2300 - Wilson (130)

**SENATE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION - INFORMAL**

- SS#2 SCS SB 577 - Wilson (130)