

JOURNAL OF THE HOUSE

Second Regular Session, 96th GENERAL ASSEMBLY

FIFTY-FOURTH DAY, WEDNESDAY, APRIL 11, 2012

The House met pursuant to adjournment.

Speaker Tilley in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Rejoice, and be exceedingly glad: for you are the salt of the earth. (Matthew 5:12, 13)

O God, Who is above us yet within us, far off yet very near - nearer than breathing and closer than hands and feet - we bow in Your presence with hearts filled with gratitude because You have been so wonderfully good to us.

We are what we are and we have what we have not because we deserve them, but because Your goodness has blessed our days, and Your spirit has led us along the way.

We thank You for these men and women, our representatives who are giving themselves in real and deep devotion to our state, who are seeking to put justice above injustice, and good will above ill will, principle above prejudice and liberty above license. May they continue to have the courage of their convictions and in these crucial days fail not us nor You.

Bless our state with Your favor and our leaders of this House with Your spirit. Together may we be channels for peace and for prosperity.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

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

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Thomas Smith, Michael Smith, Madison Cunningham, McKenna Cunningham, Carter Cunningham, Maddie Baker, Brayden Baker, Kayley Suderman, Jacob Suderman and Anna Dittmer.

SPECIAL RECOGNITION

Members of the Hannibal Convention and Visitors Bureau were introduced by Representative Shumake and presented a resolution recognizing Hannibal native Molly Brown as an Outstanding Missourian.

THIRD READING OF HOUSE BILLS

HB 1403, relating to workers' compensation, was taken up by Representative Schatz.

On motion of Representative Schatz, **HB 1403** was read the third time and passed by the following vote:

AYES: 092

Allen	Asbury	Bahr	Bernskoetter	Brandom
Brattin	Brown 85	Brown 116	Burlison	Cauthorn
Cierpiot	Conway 14	Cookson	Cox	Crawford
Cross	Curtman	Davis	Day	Denison
Dieckhaus	Diehl	Dugger	Elmer	Entlicher
Fisher	Fitzwater	Flanigan	Fraker	Franklin
Franz	Frederick	Fuhr	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hampton	Hinson
Hoskins	Hough	Houghton	Johnson	Jones 89
Keeney	Kelley 126	Klippenstein	Koenig	Korman
Lair	Lant	Largent	Lauer	Leara
Loehner	Long	McCaherty	McNary	Molendorp
Nance	Neth	Nolte	Parkinson	Phillips
Pollock	Redmon	Reiboldt	Richardson	Riddle
Rowland	Ruzicka	Sater	Schad	Scharnhorst
Schatz	Schneider	Schoeller	Shumake	Smith 150
Solon	Sommer	Stream	Thomson	Torpey
Wallingford	Wells	White	Wright	Wyatt
Zerr	Mr Speaker			

NOES: 056

Anders	Atkins	Aull	Barnes	Black
Brown 50	Carlson	Carter	Casey	Colona
Conway 27	Ellinger	Ellington	Fallert	Harris
Hodges	Holsman	Hubbard	Hummel	Jones 63
Kander	Kelly 24	Kirkton	Kratky	Lampe
Lasater	Marshall	May	McCreery	McDonald
McGeoghegan	McManus	McNeil	Montecillo	Morgan
Nasheed	Newman	Nichols	Oxford	Pace
Pierson	Quinn	Rizzo	Schieber	Schieffer
Schupp	Shively	Sifton	Silvey	Spreng
Still	Swearingen	Talboy	Taylor	Walton Gray
Wieland				

PRESENT: 001

Lichtenegger

ABSENT WITH LEAVE: 014

Berry	Funderburk	Higdon	Hughes	Jones 117
Leach	McCann Beatty	McGhee	Meadows	Smith 71
Swinger	Webb	Webber	Weter	

Speaker Tilley declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 090

Allen	Asbury	Bahr	Bernskoetter	Brandom
Brattin	Brown 85	Brown 116	Burlison	Cauthorn
Cierpiot	Conway 14	Cookson	Cox	Crawford
Cross	Curtman	Davis	Day	Denison
Dieckhaus	Diehl	Dugger	Elmer	Entlicher
Fisher	Fitzwater	Flanigan	Fraker	Franklin
Franz	Frederick	Fuhr	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hampton	Hinson
Hoskins	Hough	Houghton	Johnson	Jones 89
Keeney	Kelley 126	Klippenstein	Koenig	Korman
Lair	Lant	Largent	Lauer	Learn
Loehner	Long	McGhee	McNary	Molendorp
Nance	Nolte	Parkinson	Phillips	Pollock
Reiboldt	Richardson	Riddle	Rowland	Ruzicka
Sater	Schad	Scharnhorst	Schatz	Schneider
Schoeller	Shumake	Smith 150	Solon	Sommer
Stream	Thomson	Torpey	Wallingford	Wells
Weter	White	Wright	Zerr	Mr Speaker

NOES: 063

Anders	Atkins	Aull	Barnes	Berry
Black	Brown 50	Carlson	Carter	Casey
Colona	Conway 27	Ellinger	Ellington	Fallert
Harris	Hodges	Holsman	Hubbard	Hummel
Jones 63	Kander	Kelly 24	Kirkton	Kratky
Lampe	Lasater	Leach	Marshall	May
McCaherty	McCann Beatty	McCreery	McDonald	McGeoghegan
McManus	McNeil	Meadows	Montecillo	Morgan
Nasheed	Neth	Newman	Nichols	Oxford
Pace	Pierson	Rizzo	Schieber	Schieffer
Schupp	Shively	Sifton	Silvey	Smith 71
Spreng	Still	Swearingen	Talboy	Taylor
Walton Gray	Wieland	Wyatt		

PRESENT: 001

Lichtenegger

ABSENT WITH LEAVE: 009

Funderburk	Higdon	Hughes	Jones 117	Quinn
Redmon	Swinger	Webb	Webber	

HCS HB 1272, relating to actions and damages against jails, was taken up by Representative Kelley (126).

Representative Smith (150) assumed the Chair.

On motion of Representative Kelley (126), **HCS HB 1272** was read the third time and passed by the following vote:

AYES: 086

Allen	Bahr	Barnes	Bernskoetter	Berry
Black	Brandom	Brattin	Brown 85	Burlison
Casey	Cauthorn	Cierpiot	Conway 14	Cookson
Cox	Crawford	Cross	Davis	Denison
Dieckhaus	Diehl	Dugger	Entlicher	Fallert
Fisher	Fitzwater	Flanigan	Fraker	Franklin
Franz	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Hinson	Hoskins	Hough
Houghton	Jones 89	Jones 117	Keeney	Kelley 126
Koenig	Korman	Lair	Lant	Largent
Leach	Leara	Lichtenegger	Loehner	Long
McCaherty	McGhee	McNary	Molendorp	Nance
Neth	Nolte	Parkinson	Phillips	Pollock
Redmon	Reiboldt	Richardson	Riddle	Ruzicka
Sater	Schad	Scharnhorst	Schatz	Schoeller
Shumake	Smith 150	Sommer	Stream	Thomson
Wallingford	Wells	Wieland	Wright	Wyatt
Mr Speaker				

NOES: 067

Anders	Asbury	Atkins	Aull	Brown 50
Carlson	Carter	Colona	Conway 27	Curtman
Day	Ellinger	Ellington	Frederick	Fuhr
Harris	Higdon	Hodges	Holsman	Hubbard
Hummel	Johnson	Jones 63	Kander	Kelly 24
Kirkton	Klippenstein	Kratky	Lampe	Lauer
Marshall	May	McCann Beatty	McCreery	McDonald
McGeoghegan	McManus	McNeil	Meadows	Montecillo
Morgan	Nasheed	Newman	Nichols	Oxford
Pace	Pierson	Quinn	Rizzo	Schieber
Schieffer	Schneider	Shupp	Shively	Sifton
Smith 71	Solon	Spreng	Still	Swearingen
Talboy	Taylor	Torpey	Walton Gray	Webber
Weter	White			

PRESENT: 001

Silvey

ABSENT WITH LEAVE: 009

Brown 116	Elmer	Funderburk	Hughes	Lasater
Rowland	Swinger	Webb	Zerr	

Representative Smith (150) declared the bill passed.

Speaker Tilley resumed the Chair.

PERFECTION OF HOUSE BILL

HCS HB 1134, relating to insurance coverage, was taken up by Representative Scharnhorst.

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

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

The Chair ruled the point of order well taken.

HCS HB 1134 was laid over.

On motion of Representative Jones (89), the House recessed until 2:00 p.m.

AFTERNOON SESSION

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

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1881 through House Resolution No. 1984

HOUSE CONCURRENT RESOLUTION

Representative McNary, et al., offered House Concurrent Resolution No. 57.

PERFECTION OF HOUSE BILLS

HCS HB 1134, relating to insurance coverage, was again taken up by Representative Scharnhorst.

On motion of Representative Scharnhorst, **HCS HB 1134** was adopted.

On motion of Representative Scharnhorst, **HCS HB 1134** was ordered perfected and printed.

HCS HB 1256, relating to judicial procedures, was taken up by Representative Diehl.

Representative Kelly (24) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1256, Page 4, Section 67.2010, Line 16, by inserting after all of said line the following:

“195.222. 1. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver,

manufacture or produce more than thirty grams of a mixture or substance containing a detectable amount of heroin. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is ninety grams or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

2. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than one hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than one hundred fifty grams but less than four hundred fifty grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is four hundred fifty grams or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

3. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than [two] **twenty eight** grams of a mixture or substance described in subsection 2 of this section which contains cocaine base. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than [two] **twenty eight** grams but less than [six] **two hundred eighty** grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is [six] **two hundred eighty** grams or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

4. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD). Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than five hundred milligrams but less than one gram the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is one gram or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

5. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP). Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is ninety grams or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

6. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than four grams of phencyclidine. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than four grams but less than twelve grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is twelve grams or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

7. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty kilograms of a mixture or substance containing marijuana. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty kilograms but less than one hundred kilograms the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is one hundred kilograms or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

8. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate. Violations of this subsection or attempts to violate this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty grams or more and the location of the offense was within two thousand feet of a school or public housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests, the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

9. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he or she distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of any material, compound, mixture or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty grams or more and the location of the offense was within two thousand feet of a school or public housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests, the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

195.223. 1. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than thirty grams of a mixture or substance containing a detectable amount of heroin. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be guilty of a class B felony;

(2) If the quantity involved is ninety grams or more the person shall be guilty of a class A felony.

2. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than one hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than one hundred fifty grams but less than four hundred fifty grams the person shall be guilty of a class B felony;

(2) If the quantity involved is four hundred fifty grams or more the person shall be guilty of a class A felony.

3. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than **[two] twenty eight** grams of a mixture or substance described in subsection 2 of this section which contains cocaine base. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than **[two] twenty eight** grams but less than **[six] two hundred eighty** grams the person shall be guilty of a class B felony;

(2) If the quantity involved is **[six] two hundred eighty** grams or more the person shall be guilty of a class A felony.

4. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD). Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than five hundred milligrams but less than one gram the person shall be guilty of a class B felony;

(2) If the quantity involved is one gram or more the person shall be guilty of a class A felony.

5. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP). Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be guilty of a class B felony;

(2) If the quantity involved is ninety grams or more the person shall be guilty of a class A felony.

6. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than four grams of phencyclidine. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than four grams but less than twelve grams the person shall be guilty of a class B felony;

(2) If the quantity involved is twelve grams or more the person shall be guilty of a class A felony.

7. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than thirty kilograms or more of a mixture or substance containing marijuana. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty kilograms but less than one hundred kilograms the person shall be guilty of a class B felony;

(2) If the quantity involved is one hundred kilograms or more the person shall be guilty of a class A felony.

8. A person commits the class A felony of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than five hundred marijuana plants.

9. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than thirty grams of any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or methylphenidate. Violations of this subsection or attempts to violate this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be guilty of a class B felony;

(2) If the quantity involved is ninety grams or more but less than four hundred fifty grams, the person shall be guilty of a class A felony;

(3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty of a class A felony and the term of imprisonment shall be served without probation or parole.

10. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he or she possesses or has under his or her control, purchases or attempts to purchase, or brings into this state more than thirty grams of any material, compound, mixture or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be guilty of a class B felony;

(2) If the quantity involved is ninety grams or more but less than four hundred fifty grams, the person shall be guilty of a class A felony;

(3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty of a class A felony and the term of imprisonment shall be served without probation or parole.”; and

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

On motion of Representative Kelly (24), **House Amendment No. 1** was adopted.

Representative Jones (117) offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1256, Page 1, Section A, Line 8, by inserting after all of said section and line the following:

“32.056. The department of revenue shall not release the home address of or any [other] information [contained in the department's motor vehicle or driver registration records regarding] **that identifies any vehicle owned or leased by any person who is a county, state or federal parole officer [or who is], a federal pretrial officer [or who is], a peace officer pursuant to section [590.100] 590.010, a person vested by Article V, Section 1 of the Missouri Constitution with the judicial power of the state, a member of the federal judiciary,** or a member of [the parole officer's, pretrial officer's or peace officer's] **such person's** immediate family **contained in the department's motor vehicle or driver registration records,** based on a specific request for such information from any person. Any **such person** [who is a county, state or federal parole officer or who is a federal pretrial officer or who is a peace officer pursuant to section 590.100] may notify the department of [such] **his or her** status and the department shall protect the confidentiality of the **home address and vehicle** records on such a person and his or her immediate family as required by this section. **If such member of the judiciary's status changes and he or she and his or her immediate family do not qualify for the exemption contained in this subsection, such person shall notify the department and the department's records shall be revised.** This section shall not prohibit the department from releasing information on a motor registration list pursuant to section 32.055 or from releasing information on any officer who holds a class A, B or C commercial driver's license pursuant to the Motor Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.”; and

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

On motion of Representative Jones (117), **House Amendment No. 2** was adopted.

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 1256, Page 4, Section 210.567, Line 28, by inserting after the phrase “**embarrass any person**” on said line, the phrase “, **nor shall it contain any information that is otherwise closed, confidential, or privileged**”; and

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

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

House Amendment No. 1 to House Amendment No. 3 was withdrawn.

Representative Leara assumed the Chair.

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

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

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 1256, Page 26, Section 488.5320, Line 46, by inserting after all of said line the following:

"488.5375. Upon a plea of guilty or a finding of guilt for a felony sexual offense in which computers, computer equipment, computer devices, cellular telephones, or other electronic devices were seized, the court may, in addition to imposition of any penalties provided by law, order the defendant to reimburse the state or local law enforcement agency for the costs incurred by such agency in the examination of any computer, computer equipment, computer devices, cellular telephones, or other electronic devices seized. Such costs shall include the reasonable costs of performing examinations of the seized electronic devices. Each law enforcement agency may establish a schedule of such costs; except that, the court may order the costs reduced if the court determines that the costs are excessive."; and

Further amend said bill, Page 31, Section 537.528, Line 31, by inserting after all of said line the following:

"542.301. 1. Property which comes into the custody of an officer or of a court as the result of any seizure and which has not been forfeited pursuant to any other provisions of law or returned to the claimant shall be disposed of as follows:

(1) Stolen property, or property acquired in any other manner declared an offense by chapters 569 and 570, but not including any of the property referred to in subdivision (2) of this subsection, shall be delivered by order of court upon claim having been made and established, to the person who is entitled to possession:

(a) The claim shall be made by written motion filed with the court with which a motion to suppress has been, or may be, filed. The claim shall be barred if not made within one year from the date of the seizure;

(b) Upon the filing of such motion, the judge shall order notice to be given to all persons interested in the property, including other claimants and the person from whose possession the property was seized, of the time, place and nature of the hearing to be held on the motion. The notice shall be given in a manner reasonably calculated to reach the attention of all interested persons. Notice may be given to unknown persons and to persons whose address is unknown by publication in a newspaper of general circulation in the county. No property shall be delivered to any claimant unless all interested persons have been given a reasonable opportunity to appear and to be heard;

(c) After a hearing, the judge shall order the property delivered to the person or persons entitled to possession, if any. The judge may direct that delivery of property required as evidence in a criminal proceeding shall be postponed until the need no longer exists;

(d) A law enforcement officer having custody of seized property may, at any time that seized property has ceased to be useful as evidence, request that the prosecuting attorney of the county in which property was seized file a motion with the court of such county for the disposition of the seized property. If the prosecuting attorney does not file such motion within sixty days of the request by the law enforcement officer having custody of the seized property, then such officer may request that the attorney general file a written motion with the circuit court of the county or judicial district in which the seizure occurred. Upon filing of the motion, the court shall issue an order directing the disposition of the property. Such disposition may, if the property is not claimed within one year from the date of the seizure or if no one establishes a right to it, and the seized property has ceased to be useful as evidence, include a public sale of the property. Pursuant to a motion properly filed and granted under this section, the proceeds of any sale, less necessary expenses of preservation and sale, shall be paid into the county treasury for the use of the county. If the property is not salable, the judge may order its destruction. Notwithstanding any other provision of law, if no claim is filed within one year of the seizure and no motion pursuant to this section is filed within six months thereafter, and the seized property has ceased to be useful as evidence, the property shall be deemed abandoned, converted to cash and shall be turned over immediately to the treasurer pursuant to section 447.543;

(e) If the property is a living animal or is perishable, the judge may, at any time, order it sold at public sale. The proceeds shall be held in lieu of the property. A written description of the property sold shall be filed with the judge making the order of sale so that the claimant may identify the property. If the proceeds are not claimed within the time limited for the claim of the property, the proceeds shall be paid into the county treasury. If the property is not salable, the judge may order its destruction.

(2) Weapons, tools, devices, **computers, computer equipment, computer software, computer hardware, cellular telephones, or other devices capable of accessing the internet**, and substances other than motor vehicles, aircraft or watercraft, used by the owner or with the owner's consent as a means for committing felonies other than the offense of possessing burglary tools in violation of section 569.180, and property, the possession of which is an offense

under the laws of this state or which has been used by the owner, or used with the owner's acquiescence or consent, as a raw material or as an instrument to manufacture [or], produce, **or distribute, or be used as a means of storage of** anything the possession of which is an offense under the laws of this state, or which any statute authorizes or directs to be seized, other than lawfully possessed weapons seized by an officer incident to an arrest, shall be forfeited to the state of Missouri.

2. The officer who has custody of the property shall inform the prosecuting attorney of the fact of seizure and of the nature of the property. The prosecuting attorney shall thereupon file a written motion with the court with which the motion to suppress has been, or may be, filed praying for an order directing the forfeiture of the property. If the prosecuting attorney of a county in which property is seized fails to file a motion with the court for the disposition of the seized property within sixty days of the request by a law enforcement officer, the officer having custody of the seized property may request the attorney general to file a written motion with the circuit court of the county or judicial district in which the seizure occurred. Upon filing of the motion, the court shall issue an order directing the disposition of the property. The signed motion shall be returned to the requesting agency. A motion may also be filed by any person claiming the right to possession of the property praying that the court declare the property not subject to forfeiture and order it delivered to the moving party.

3. Upon the filing of a motion either by the prosecuting attorney or by a claimant, the judge shall order notice to be given to all persons interested in the property, including the person out of whose possession the property was seized and any lienors, of the time, place and nature of the hearing to be held on the motion. The notice shall be given in a manner reasonably calculated to reach the attention of all interested persons. Notice may be given to unknown persons and to persons of unknown address by publication in a newspaper of general circulation in the county. Every interested person shall be given a reasonable opportunity to appear and to be heard as to the nature of the person's claim to the property and upon the issue of whether or not it is subject to forfeiture.

4. If the evidence is clear and convincing that the property in issue is in fact of a kind subject to forfeiture under this subsection, the judge shall declare it forfeited and order its destruction or sale. The judge shall direct that the destruction or sale of property needed as evidence in a criminal proceeding shall be postponed until this need no longer exists.

5. If the forfeited property can be put to a lawful use, it may be ordered sold after any alterations which are necessary to adapt it to a lawful use have been made. **In the case of computers, computer equipment, computer software, computer hardware, cellular telephones, or other devices capable of accessing the internet, or other devices used in the acquisition, possession, or distribution of child pornography or obscene material, the law enforcement agency in possession of such items may, upon court order, retain possession of such property and convert such property to the use of the law enforcement agency for use in criminal investigations.** If there is a holder of a bona fide lien against property which has been used as a means for committing an offense or which has been used as a raw material or as an instrument to manufacture or produce anything which is an offense to possess, who establishes that the use was without the lienholder's acquiescence or consent, the proceeds, less necessary expenses of preservation and sale, shall be paid to the lienholder to the amount of the lienholder's lien. The remaining amount shall be paid into the county treasury.

6. If the property is perishable the judge may order it sold at a public sale or destroyed, as may be appropriate, prior to a hearing. The proceeds of a sale, less necessary expenses of preservation and sale, shall be held in lieu of the property.

7. When a warrant has been issued to search for and seize allegedly obscene matter for forfeiture to the state, after an adversary hearing, the judge, upon return of the warrant with the matter seized, shall give notice of the fact to the prosecuting attorney of the county in which the matter was seized and the dealer, exhibitor or displayer and shall conduct further adversary proceedings to determine whether the matter is subject to forfeiture. If the evidence is clear and convincing that the matter is obscene as defined by law and it was being held or displayed for sale, exhibition, distribution or circulation to the public, the judge shall declare it to be obscene and forfeited to the state and order its destruction or other disposition; except that, no forfeiture shall be declared without the dealer, distributor or displayer being given a reasonable opportunity to appear in opposition and without the judge having thoroughly examined each item. If the material to be seized is the same as or another copy of matter that has already been determined to be obscene in a criminal proceeding against the dealer, exhibitor, displayer or such person's agent, the determination of obscenity in the criminal proceeding shall constitute clear and convincing evidence that the matter to be forfeited pursuant to this subsection is obscene. Except when the dealer, exhibitor or displayer consents to a longer period, or by such person's actions or pleadings willfully prevents the prompt resolution of the hearing, judgment shall be rendered within ten days of the return of the warrant. If the matter is not found to be obscene or is not found to have been held or displayed for sale, exhibition or distribution to the public, or a judgment is not entered within the time provided for, the matter shall be restored forthwith to the dealer, exhibitor or displayer.

8. If an appeal is taken by the dealer, exhibitor or displayer from an adverse judgment, the case should be assigned for hearing at the earliest practicable date and expedited in every way. Destruction or disposition of a matter declared forfeited shall be postponed until the judgment has become final by exhaustion of appeal, or by expiration of the time for appeal, and until the matter is no longer needed as evidence in a criminal proceeding.

9. A determination of obscenity, pursuant to this subsection, shall not be admissible in any criminal proceeding against any person or corporation for sale or possession of obscene matter; except that dealer, distributor or displayer from which the obscene matter was seized for forfeiture to the state.

10. When allegedly obscene matter or pornographic material for minors has been seized under a search warrant issued pursuant to subsection 2 of section 542.281 and the matter is no longer needed as evidence in a criminal proceeding the prosecuting attorney of the county in which the matter was seized may file a written motion with the circuit court of the county or judicial district in which the seizure occurred praying for an order directing the forfeiture of the matter. Upon filing of the motion, the court shall set a date for a hearing. Written notice of date, time, place and nature of the hearing shall be personally served upon the owner, dealer, exhibitor, displayer or such person's agent. Such notice shall be served no less than five days before the hearing.

11. If the evidence is clear and convincing that the matter is obscene as defined by law, and that the obscene material was being held or displayed for sale, exhibition, distribution or circulation to the public or that the matter is pornographic for minors and that the pornographic material was being held or displayed for sale, exhibition, distribution or circulation to minors, the judge shall declare it to be obscene or pornographic for minors and forfeited to the state and order its destruction or other disposition. A determination that the matter is obscene in a criminal proceeding as well as a determination that such obscene material was held or displayed for sale, exhibition, distribution or circulation to the public or a determination that the matter is pornographic for minors in a criminal proceeding as well as a determination that such pornographic material was held or displayed for sale, exhibition, distribution or circulation to minors shall be clear and convincing evidence that such material should be forfeited to the state; except that, no forfeiture shall be declared without the dealer, distributor or displayer being given a reasonable opportunity to appear in opposition and without a judge having thoroughly examined each item. A dealer, distributor or displayer shall have had reasonable opportunity to appear in opposition if the matter the prosecutor seeks to destroy is the same matter that formed the basis of a criminal proceeding against the dealer, distributor or displayer where the dealer, distributor or displayer has been charged and found guilty of holding or displaying for sale, exhibiting, distributing or circulating obscene material to the public or pornographic material for minors to minors. If the matter is not found to be obscene, or if obscene material is not found to have been held or displayed for sale, exhibition, distribution or circulation to the public, or if the matter is not found to be pornographic for minors or if pornographic material is not found to have been held or displayed for sale, exhibition, distribution or circulation to minors, the matter shall be restored forthwith to the dealer, exhibitor or displayer.

12. If an appeal is taken by the dealer, exhibitor or displayer from an adverse judgment, the case shall be assigned for hearing at the earliest practicable date and expedited in every way. Destruction or disposition of matter declared forfeited shall be postponed until the judgment has become final by exhaustion of appeal, or by expiration of the time for appeal, and until the matter is no longer needed as evidence in a criminal proceeding.

13. A determination of obscenity shall not be admissible in any criminal proceeding against any person or corporation for sale or possession of obscene matter.

14. An appeal by any party shall be allowed from the judgment of the court as in other civil actions.

15. All other property still in the custody of an officer or of a court as the result of any seizure and which has not been forfeited pursuant to this section or any other provision of law after three years following the seizure and which has ceased to be useful as evidence shall be deemed abandoned, converted to cash and shall be turned over immediately to the treasurer pursuant to section 447.543.

16. In fiscal year 2003, the commissioner of administration shall estimate the amount of any additional state revenue received pursuant to this section and section 447.532, shall transfer an equivalent amount of general revenue to the schools of the future fund created in section 163.005."; and

Further amend said bill, Page 36, Section 559.105, Line 28, by inserting after all of said line the following:

"566.083. 1. A person commits the crime of sexual misconduct involving a child if [the] **such** person:

(1) Knowingly exposes his or her genitals to a child less than fifteen years of age under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm to the child;

(2) Knowingly exposes his or her genitals to a child less than fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person, including the child; or

(3) Knowingly coerces or induces a child less than fifteen years of age to expose the child's genitals **or breasts of a female child** for the purpose of arousing or gratifying the sexual desire of any person, including the child.

2. The provisions of this section shall apply regardless of whether the person violates [the] **this** section in person or via the Internet or other electronic means.

3. It is not an affirmative defense to prosecution for a violation of this section that the other person was a peace officer masquerading as a minor.

4. Sexual misconduct involving a child or attempted sexual misconduct involving a child is a class D felony unless the actor has previously pleaded guilty to or been found guilty of an offense pursuant to this chapter or the actor has previously pleaded guilty to or has been convicted of an offense against the laws of another state or jurisdiction which would constitute an offense under this chapter, in which case it is a class C felony.

566.151. 1. A person at least twenty-one years of age or older commits the crime of enticement of a child **in the first degree** if that person persuades, solicits, coaxes, entices, or lures whether by words, actions or through communication via the Internet or any electronic communication, any person who is less than fifteen years of age for the purpose of engaging in sexual conduct.

2. It is not an affirmative defense to a prosecution for a violation of this section that the other person was a peace officer masquerading as a minor.

3. Enticement of a child or an attempt to commit enticement of a child **in the first degree** is a felony for which the authorized term of imprisonment shall be not less than five years and not more than thirty years. No person convicted under this section shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of five calendar years.”; and

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

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

House Amendment No. 1 to House Amendment No. 4 was withdrawn.

Representative Still offered **House Amendment No. 2 to House Amendment No. 4.**

*House Amendment No. 2
to
House Amendment No. 4*

AMEND House Amendment No. 4 to House Committee Substitute for House Bill No. 1256, Page 7, Line 16, by inserting after all the word, “years.” the following:

“566.152. 1. A person at least twenty-one years of age or older commits the crime of enticement of a child in the second degree if that person persuades, solicits, coaxes, entices, or lures whether by words, actions or through communication via the internet or any electronic communication, any person who is at least fifteen years of age but less than seventeen years of age for the purpose of engaging in sexual conduct.

2. It is not an affirmative defense to a prosecution for a violation of this section that the other person was a peace officer masquerading as a minor.

3. Enticement of a child or an attempt to commit enticement of a child in the second degree is a class D felony.”; and

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

Representative Still moved that **House Amendment No. 2 to House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 077

Anders	Atkins	Aull	Barnes	Black
Brandom	Brattin	Brown 50	Carlson	Carter
Casey	Colona	Conway 27	Cookson	Ellinger
Ellington	Fallert	Frederick	Gosen	Hampton
Harris	Hodges	Holsman	Hubbard	Hummel
Jones 63	Jones 89	Kander	Kelly 24	Kirkton
Kratky	Lampe	Largent	May	McCaherty
McCann Beatty	McCreery	McDonald	McGeoghegan	McManus
McNeil	Meadows	Montecillo	Morgan	Nasheed
Newman	Nichols	Oxford	Pace	Pierson
Quinn	Riddle	Rizzo	Scharnhorst	Schieber
Schieffer	Schneider	Schoeller	Schupp	Shively
Sifton	Silvey	Smith 71	Smith 150	Sommer
Spreng	Still	Stream	Swearingen	Swinger
Talboy	Taylor	Torpey	Walton Gray	Webber
Wieland	Wyatt			

NOES: 077

Asbury	Bahr	Bernskoetter	Berry	Brown 85
Brown 116	Burlison	Cauthorn	Cierpiot	Conway 14
Cox	Crawford	Cross	Curtman	Davis
Denison	Dieckhaus	Diehl	Dugger	Elmer
Entlicher	Fisher	Fitzwater	Flanigan	Fraker
Franklin	Franz	Fuhr	Gatschenberger	Grisamore
Guernsey	Haefner	Higdon	Hinson	Hoskins
Hough	Houghton	Johnson	Jones 117	Keeney
Kelley 126	Klippenstein	Koenig	Korman	Lair
Lant	Lasater	Lauer	Leach	Leara
Lichtenegger	Loehner	Long	Marshall	McGhee
McNary	Molendorp	Nance	Neth	Parkinson
Phillips	Reiboldt	Richardson	Rowland	Ruzicka
Sater	Schad	Schatz	Solon	Thomson
Wallingford	Wells	Weter	White	Wright
Zerr	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 009

Allen	Day	Funderburk	Hughes	Nolte
Pollock	Redmon	Shumake	Webb	

Representative Fuhr offered **House Amendment No. 3** to **House Amendment No. 4**.

House Amendment No. 3
to
House Amendment No. 4

AMEND House Amendment No. 4 to House Committee Substitute for House Bill No. 1256, Page 6, Lines 28-31, by deleting all of said lines and inserting in lieu thereof the following:

“purpose of arousing or gratifying the sexual desire of any person, including the child; [or]

(3) Knowingly coerces or induces a child less than fifteen years of age to expose the child’s genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child; or

(4) Knowingly coerces or induces a child who is known by such person to be less than fifteen years of age to expose the breasts of a female child through the Internet or other electronic means for the purpose of arousing or gratifying the sexual desire of any person, including the child.”; and

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

On motion of Representative Fuhr, **House Amendment No. 3 to House Amendment No. 4** was adopted by the following vote:

AYES: 154

Anders	Asbury	Atkins	Aull	Bahr
Barnes	Bernskoetter	Berry	Black	Brandom
Brattin	Brown 50	Brown 85	Brown 116	Burlison
Carlson	Carter	Casey	Cauthorn	Cierpiot
Colona	Conway 14	Conway 27	Cookson	Cox
Crawford	Cross	Davis	Denison	Dieckhaus
Diehl	Dugger	Ellinger	Ellington	Elmer
Entlicher	Fallert	Fisher	Fitzwater	Flanigan
Fraker	Franklin	Franz	Frederick	Fuhr
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner
Hampton	Harris	Higdon	Hinson	Hodges
Holsman	Hoskins	Hough	Houghton	Hubbard
Hummel	Johnson	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelley 126	Kelly 24	Kirkton
Klippenstein	Koenig	Korman	Kratky	Lair
Lampe	Lant	Largent	Lasater	Lauer
Leach	Leara	Lichtenegger	Loehner	Long
Marshall	May	McCaherty	McCann Beatty	McCreery
McDonald	McGeoghegan	McGhee	McManus	McNary
McNeil	Meadows	Molendorp	Montecillo	Morgan
Nance	Nasheed	Neth	Newman	Nichols
Nolte	Oxford	Pace	Parkinson	Phillips
Pierson	Pollock	Quinn	Reiboldt	Richardson
Riddle	Rizzo	Rowland	Ruzicka	Sater
Schad	Scharnhorst	Schatz	Schieber	Schieffer
Schneider	Schoeller	Schupp	Shively	Shumake

Sifton	Silvey	Smith 71	Smith 150	Solon
Sommer	Still	Stream	Swearingen	Swinger
Talboy	Taylor	Thomson	Torpey	Wallingford
Walton Gray	Webber	Wells	Weter	White
Wieland	Wright	Wyatt	Zerr	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Allen	Curtman	Day	Funderburk	Hughes
Redmon	Spreng	Webb	Mr Speaker	

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

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

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 1256, Page 25, Section 488.426, Line 20, by inserting after all of said line the following:

“488.2250. For all transcripts of testimony given or proceedings had in any circuit court **in cases where an appeal is taken**, the court reporter shall receive the sum of [two dollars] **three dollars and fifty cents** per twenty-five-line page for the original **and up to three copies** of the transcript, and the sum of [thirty-five cents] **fifty cents** per twenty-five-line page for each [carbon] **additional** copy thereof; the page to be approximately eight and one-half inches by eleven inches in size, with left-hand margin of approximately one and one-half inches and the right-hand margin of approximately one-half inch; answer to follow question on same line when feasible; such page to be designated as a legal page. Any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings, and the court reporter's fees for making the same shall be paid by the state upon a voucher approved by the court, and taxed against the state. In criminal cases where an appeal is taken by the defendant, and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court shall order the court reporter to furnish three **paper or electronic** transcripts in duplication of the notes of the evidence, for the original **and up to three copies of the transcript** [of which] the court reporter shall receive **the sum of two dollars and sixty cents** per legal page [and for the copies] **and the sum of twenty cents per page for each additional copy thereof**. The payment of court reporter's fees provided in this section shall be made by the state upon a voucher approved by the court. **An electronic version of all transcripts mentioned herein shall be provided. All copies shall be provided by a Court Reporter certified by the Missouri Supreme Court.**”; and

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

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

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

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 1256, Page 27, Section 513.430, Line 37, by removing the opening and closing brackets around the word “local”; and

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

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

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

House Amendment No. 7

AMEND House Committee Substitute for House Bill No. 1256, Page 19, Section 456.8-808, Lines 89-95, by removing all of said lines and inserting in lieu thereof the following:

“7. If a trust protector is granted a power in the trust instrument to direct, consent to, or disapprove a trustee’s actual or proposed investment decision, distribution decision, or other decision of the trustee required to be performed under applicable trust law in carrying out the duties of the trustee in administering the trust, then only with respect to such power, excluding the powers identified in subsection 3 of this section, the trust protector shall have the same duties and liabilities as if serving as a trustee under the trust instrument.”; and

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

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

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

House Amendment No. 8

AMEND House Committee Substitute for House Bill No. 1256, Page 36, Section 559.105, Line 28, by inserting after all of said line the following:

“569.100. 1. A person commits the crime of property damage in the first degree if **such person:**

- (1) [He] Knowingly damages property of another to an extent exceeding seven hundred and fifty dollars; or
- (2) [He] Damages property to an extent exceeding one thousand dollars for the purpose of defrauding an insurer;

or

(3) Knowingly damages a motor vehicle of another and the damage occurs while such person is making entry into the motor vehicle for the purpose of committing the crime of stealing therein or the damage occurs while such person is committing the crime of stealing within the motor vehicle.

2. Property damage in the first degree **committed under subdivision (1) or (2) of subsection 1 of this section is a class D felony. Property damage in the first degree committed under subdivision (3) of subsection 1 of this section is a class C felony unless committed as a second or subsequent violation of subdivision (3) of subsection 1 of this section in which case it is a class B felony.**”; and

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

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

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

House Amendment No. 9

AMEND House Committee Substitute for House Bill No. 1256, Page 1, In the Title, Line 5, by deleting the word "thirty-two" and inserting in lieu thereof the word "thirty-three"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the word "thirty-two" and inserting in lieu thereof the word "thirty-three"; and

Further amend said bill, Page 1, Section A, Line 5, by inserting after the word "sections" the section number "21.771,"; and

Further amend said bill, Page 1, Section A, Line 8, by inserting after all of said line the following:

"21.771. 1. There is established a joint committee of the general assembly to be known as the "Joint Committee on Child Abuse and Neglect" to be composed of seven members of the senate and seven members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem and minority floor leader of the senate and the house members shall be appointed by the speaker and minority floor leader of the house of representatives. The appointment of each member shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the member's place. No party shall be represented by more than four members from the house of representatives nor more than four members from the senate.

A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the committee's duties.

2. The joint committee shall:

(1) Make a continuing study and analysis of the state child abuse and neglect reporting and investigation system;

(2) Devise a plan for improving the structured decisionmaking regarding the removal of a child from a home;

(3) Determine the additional personnel and resources necessary to adequately protect the children of this state and improve their welfare and the welfare of families;

(4) Address the need for additional foster care homes and to improve the quality of care provided to abused and neglected children in the custody of the state;

(5) Determine from its study and analysis the need for changes in statutory law; and

(6) Make any other recommendation to the general assembly necessary to provide adequate protections for the children of our state.

3. The joint committee shall meet within thirty days after its creation and organize by selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. The chairperson shall alternate between members of the house and senate every two years after the committee's organization.

4. The committee shall meet at least quarterly. The committee may meet at locations other than Jefferson City when the committee deems it necessary.

5. The committee shall be staffed by legislative personnel as is deemed necessary to assist the committee in the performance of its duties.

6. The members of the committee shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

7. It shall be the duty of the committee to compile a full report of its activities for submission to the general assembly. The report shall be submitted not later than the fifteenth of January of each year in which the general assembly convenes in regular session and shall include any recommendations which the committee may have for legislative action as well as any recommendations for administrative or procedural changes in the internal management or organization of state or local government agencies and departments. Copies of the report containing such recommendations shall be sent to the appropriate directors of state or local government agencies or departments included in the report.

8. The provisions of this section shall expire on January 15, 2018."; and

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

On motion of Representative Lant, **House Amendment No. 9** was adopted.

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 093

Asbury	Bahr	Barnes	Bernskoetter	Berry
Brandom	Brattin	Brown 85	Brown 116	Burlison
Cauthorn	Cierpiot	Conway 14	Cookson	Cox
Crawford	Cross	Davis	Denison	Dieckhaus
Diehl	Dugger	Elmer	Entlicher	Fisher
Fitzwater	Flanigan	Fraker	Franz	Frederick
Fuhr	Gatschenberger	Grisamore	Guernsey	Haefner
Hampton	Hinson	Hoskins	Hough	Houghton
Johnson	Jones 89	Jones 117	Keeney	Kelley 126
Klippenstein	Koenig	Korman	Lair	Lant
Largent	Lasater	Lauer	Leach	Learn
Lichtenegger	Loehner	Marshall	McCaherty	McGhee
Molendorp	Nance	Neth	Nolte	Parkinson
Phillips	Redmon	Reiboldt	Richardson	Riddle
Rowland	Ruzicka	Sater	Schad	Scharnhorst
Schatz	Schieber	Schneider	Schoeller	Shumake
Silvey	Smith 150	Solon	Sommer	Stream
Thomson	Torpey	Wallingford	Wells	White
Wieland	Wyatt	Zerr		

NOES: 054

Anders	Atkins	Aull	Black	Brown 50
Carlson	Carter	Casey	Colona	Conway 27
Ellinger	Ellington	Fallert	Harris	Hodges
Holsman	Hubbard	Hummel	Jones 63	Kander
Kelly 24	Kirkton	Kratky	Lampe	May
McCann Beatty	McCreery	McDonald	McGeoghegan	McManus
McNeil	Meadows	Montecillo	Morgan	Nasheed
Newman	Nichols	Oxford	Pierson	Quinn
Rizzo	Schieffer	Schupp	Shively	Sifton
Smith 71	Spreng	Still	Swearingen	Swinger
Talboy	Taylor	Walton Gray	Webber	

PRESENT: 000

ABSENT WITH LEAVE: 016

Allen	Curtman	Day	Franklin	Funderburk
Gosen	Higdon	Hughes	Long	McNary
Pace	Pollock	Webb	Weter	Wright

Mr Speaker

On motion of Representative Diehl, **HCS HB 1256, as amended**, was adopted.

On motion of Representative Diehl, **HCS HB 1256, as amended**, was ordered perfected and printed.

THIRD READING OF HOUSE CONCURRENT RESOLUTION

HCR 53, relating to a revised summary statement for Senate Joint Resolution No. 2, was taken up by Representative Schoeller.

On motion of Representative Schoeller, **HCR 53** was read the third time and passed by the following vote:

AYES: 102

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 85	Brown 116
Burlison	Cauthorn	Cierpiot	Conway 14	Cookson
Cox	Crawford	Cross	Curtman	Davis
Day	Denison	Dieckhaus	Diehl	Dugger
Elmer	Entlicher	Fisher	Fitzwater	Flanigan
Fraker	Franklin	Franz	Frederick	Fuhr
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner
Hampton	Higdon	Hinson	Hoskins	Hough
Houghton	Johnson	Jones 89	Jones 117	Keeney
Kelley 126	Klippenstein	Koenig	Korman	Lair
Lant	Largent	Lasater	Lauer	Leach
Leara	Lichtenegger	Loehner	Long	Marshall
McCaherty	McGhee	Molendorp	Nance	Neth
Nolte	Parkinson	Phillips	Pollock	Redmon
Reiboldt	Richardson	Riddle	Rowland	Ruzicka
Sater	Scharnhorst	Schatz	Schieber	Schneider
Schoeller	Shumake	Silvey	Smith 150	Solon
Sommer	Stream	Thomson	Torpey	Wallingford
Wells	White	Wieland	Wright	Wyatt
Zerr	Mr Speaker			

NOES: 055

Anders	Atkins	Aull	Black	Brown 50
Carlson	Carter	Casey	Colona	Conway 27
Ellinger	Ellington	Fallert	Harris	Hodges
Holsman	Hubbard	Hummel	Jones 63	Kander
Kelly 24	Kirkton	Kratky	Lampe	May
McCann Beatty	McCreery	McDonald	McGeoghegan	McManus
McNeil	Meadows	Montecillo	Morgan	Nasheed
Newman	Nichols	Oxford	Pace	Pierson
Quinn	Rizzo	Schieffer	Schupp	Shively
Sifton	Smith 71	Spreng	Still	Swearingen
Swinger	Talboy	Taylor	Walton Gray	Webber

PRESENT: 000

ABSENT WITH LEAVE: 006

Funderburk	Hughes	McNary	Schad	Webb
Weter				

Representative Leara declared the bill passed.

PERFECTION OF HOUSE BILLS

HCS HB 1383, relating to the Missouri Accountability Portal, was taken up by Representative Cox.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1383, Page 2, Section 37.850, Lines 15-20, by deleting all of said lines; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1383, Page 2, Section 33.087, Line 28, by inserting after all of said line the following:

“33.089. 1. Every department and division of this state that receives any grant of federal funds shall determine whether or not any or all of such funds can be used for the alternatives to abortion services program established in section 188.325 or the alternatives to abortion public awareness program established in section 188.335. Federal funds for which such determination shall be made shall include, but not be limited to: maternal and child health block grant; social services block grant; community development block grant; temporary assistance for needy families; community services block grant; head start; pregnancy assistance fund program; maternal, infant, and early childhood home visiting program; community-based child abuse prevention grants; child care and development block grant; promoting safe and stable families; abandoned infants; infant adoption awareness training; healthy start initiative; healthy marriage promotion and responsible fatherhood grants; and any successor funds.

2. At least annually, and by a date or dates specified by the office of administration so as to assist in budgeting and planning for every fiscal year, each such department and division shall submit its determination to the office of administration on the use of such federal funds for the alternatives to abortion services program or the alternatives to abortion public awareness program. The office of administration shall compile this information and submit it to the chairman of the senate appropriations committee and the chairman of the house budget committee, and shall also make such information easily available to the public on the Missouri accountability portal established in section 37.850.”; and

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

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

On motion of Representative Cox, **HCS HB 1383, as amended**, was adopted.

On motion of Representative Cox, **HCS HB 1383, as amended**, was ordered perfected and printed.

HCS HB 1444, relating to confiscated animals, was taken up by Representative Smith (150).

Representative Smith (150) offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1444, Page 1, Section 578.018, Line 10, by inserting immediately following the word “**hearing**” the words “**unless necessary to save life or relieve suffering**”; and

Further amend said bill, page, and section, Lines 12-13, by deleting the words “**agreed upon by the law enforcement agency, a veterinarian, and the animal owner**” and inserting in lieu thereof the words “**approved by the court**”; and

Further amend said bill, Page 2, Section 578.018, Lines 19-22, by deleting all of said lines and inserting in lieu thereof the following:

“**2. (1) The owner of any animal that has been impounded under this section shall not be responsible for the animal’s care and keeping prior to a disposition hearing if the court determines that the animal was taken unlawfully.**”; and

Further amend said bill, page, and section, Line 25, by inserting immediately following the word “**hearing**” the words “**and until final judgment, settlement, or dismissal or the case**”; and

Further amend said bill, page, and section, Line 26, by inserting immediately following the word “security” the words “**within 72 hours of the disposition hearing**”; and

Further amend said bill, page, and section, Line 27, by deleting the words “**after completion of such hearing**”; and

Further amend said bill, page, and section, Line 49, by inserting immediately after the word “**owner**” the words “**posted a sufficient bond and**”; and

Further amend said bill, page, section and line, by inserting immediately following the word “**conviction,**” the words “**unless there is a settlement agreement, consent judgment, or a suspended imposition of sentence,**”; and

Further amend said bill, page, and section, Line 53, by inserting immediately following the word “**conviction**” the words “**unless there is a settlement agreement, consent judgment, or a suspended imposition of sentence**”; and

Further amend said bill, Page 3, Section 578.018, Line 56, by inserting immediately before the word “**euthanizes**” the word “**intentionally**”; and

Further amend said bill, Page 3, Section 578.018, Line 57, by inserting immediately before the word “**sterilizes**” the word “**intentionally**”; and

Further amend said bill, page, and section, Line 61, by inserting after all of said section and line the following:

“578.030. 1. The provisions of section 43.200 notwithstanding, any member of the state highway patrol or other law enforcement officer may apply for and serve a search warrant, and shall have the power of search and seizure in order to enforce the provisions of sections 578.025 to 578.050.

2. Any member of the state highway patrol or other law enforcement officer making an arrest under section 578.025 shall lawfully take possession of all dogs or other animals **in accordance with the provisions of 578.018** and all paraphernalia, implements, or other property or things used or employed, or about to be employed, in the violation of any of the provisions of section 578.025. Such officer, after taking possession of such dogs, animals, paraphernalia, implements or other property or things, shall file with the court before whom the complaint is made against any person so arrested an affidavit stating therein the name of the person charged in such complaint, a description of the property so taken and the time and place of the taking thereof together with the name of the person from whom the same was taken and the name of the person who claims to own such property, if known, and that the affiant has reason to believe and does believe, stating the ground of such belief, that the property so taken was used or employed, or was about to be used or

employed, in such violation of section 578.025. He shall thereupon deliver the property so taken to the court, which shall, by order in writing, place the same in the custody of an officer or other proper person named and designated in such order, to be kept by him until the conviction or final discharge of such person complained against, and shall send a copy of such order without delay to the prosecuting attorney of the county. The officer or person so named and designated in such order shall immediately thereupon assume the custody of such property and shall retain the same, subject to the order of the court before which such person so complained against may be required to appear for trial. **If the property includes animals or dogs, the placement of the animals or dogs shall be in handled accordance with the provision of 578.018.** Upon the conviction of the person so charged, all property so seized shall be adjudged by the court to be forfeited and shall thereupon be destroyed or otherwise disposed of as the court may order. In the event of the acquittal or final discharge without conviction of the person so charged, such court shall, on demand, direct the delivery of such property so held in custody to the owner thereof.”; and

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

On motion of Representative Smith (150), **House Amendment No. 1** was adopted.

On motion of Representative Smith (150), **HCS HB 1444, as amended**, was adopted.

On motion of Representative Smith (150), **HCS HB 1444, as amended**, was ordered perfected and printed.

HCS HB 1549, relating to the No-call List, was taken up by Representative Richardson.

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 85	Brown 116
Burlison	Cauthorn	Cierpiot	Conway 14	Cookson
Cox	Crawford	Cross	Curtman	Davis
Denison	Dieckhaus	Diehl	Dugger	Entlicher
Fisher	Fitzwater	Flanigan	Fraker	Franklin
Franz	Frederick	Fuhr	Gatschenberger	Gosen
Grisamore	Haefner	Hampton	Higdon	Hinson
Hoskins	Hough	Houghton	Johnson	Jones 89
Jones 117	Keeney	Kelley 126	Klippenstein	Koenig
Korman	Lair	Lant	Largent	Lasater
Lauer	Leach	Leara	Lichtenegger	Loehner
Long	Marshall	McCaherty	McGhee	McNary
Molendorp	Nance	Neth	Nolte	Parkinson
Phillips	Pollock	Redmon	Reiboldt	Richardson
Riddle	Rowland	Ruzicka	Schad	Scharnhorst
Schatz	Schieber	Schoeller	Shumake	Silvey
Smith 150	Solon	Sommer	Stream	Thomson
Torpey	Wallingford	Wells	White	Wieland
Wright	Wyatt	Zerr	Mr Speaker	

NOES: 052

Anders	Atkins	Aull	Black	Carlson
Casey	Colona	Conway 27	Ellinger	Ellington

Fallert	Harris	Hodges	Hubbard	Hummel
Jones 63	Kander	Kelly 24	Kirkton	Kratky
Lampe	May	McCann Beatty	McCreery	McDonald
McGeoghegan	McManus	McNeil	Meadows	Montecillo
Morgan	Nasheed	Newman	Nichols	Oxford
Pace	Pierson	Quinn	Rizzo	Schieffer
Schupp	Shively	Sifton	Smith 71	Spreng
Still	Swearingen	Swinger	Talboy	Taylor
Walton Gray	Webber			

PRESENT: 000

ABSENT WITH LEAVE: 012

Brown 50	Carter	Day	Elmer	Funderburk
Guernsey	Holsman	Hughes	Sater	Schneider
Webb	Weter			

On motion of Representative Richardson, **HCS HB 1549** was adopted.

On motion of Representative Richardson, **HCS HB 1549** was ordered perfected and printed.

HCS HB 1458, relating to public safety and emergency services, was taken up by Representative Hinson.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1458, Page 4, Section 320.202, Line 34, by inserting the following after all of said line:

“321.015. **1.** No person holding any lucrative office or employment under this state, or any political subdivision thereof as defined in section 70.120, shall hold the office of fire protection district director under this chapter. When any fire protection district director accepts any office or employment under this state or any political subdivision thereof, his office shall thereby be vacated and he shall thereafter perform no duty and receive no salary or expenses as fire protection district director.

2. This section shall not apply to:

(1) Members of the organized militia, of the reserve corps, public school employees and notaries public; [, or to]

(2) Fire protection districts located wholly within counties of the second, third or fourth [class or] **classification**;

(3) **Fire protection districts in counties of the first classification with less than eighty-five thousand inhabitants**;

(4) **Fire protection districts** located within [first class] counties **of the first classification** not adjoining any other [first class] county **of the first classification**; [, nor shall this section apply to]

(5) **Fire protection districts located within** any county of the first or second [class] **classification** not having more than nine hundred thousand inhabitants which borders any three [first class] counties **of the first classification**; [nor shall this section apply to]

(6) **Fire protection districts located within** any [first class] county **of the first classification** [without a charter form of government] which adjoins both a [first class] **charter** county [with a charter form of government] with at least nine hundred thousand inhabitants, and adjoins at least four other counties.

The term "lucrative office or employment" does not include receiving retirement benefits, compensation for expenses, or a stipend or per diem, in an amount not to exceed seventy-five dollars for each day of service, for service rendered to a fire protection district, the state or any political subdivision thereof.”; and

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

Representative Kelly (24) 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 House Bill No. 1458, Page 1, Line 23, by inserting after the word “counties” the following:

“;
(7) **Fire protection districts located within any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants**”; and

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

On motion of Representative Kelly (24), **House Amendment No. 1 to House Amendment No. 1** was adopted.

On motion of Representative Riddle, **House Amendment No. 1, as amended**, was adopted.

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1458, Page 6, Section 321.162, Line 17, by inserting after all of said line the following:

“321.228. 1. As used in this section, the following terms shall mean:

(1) "Residential construction", new construction and erection of detached single-family or two-family dwellings or the development of land to be used for detached single-family or two-family dwellings;

(2) "Residential construction regulatory system", any bylaw, ordinance, order, rule, or regulation adopted, implemented, or enforced by any city, town, village, or county that pertains to residential construction, to any permitting system, or program relating to residential construction, including but not limited to the use or occupancy by the initial occupant thereof, or to any system or program for the inspection of residential construction. Residential construction regulatory system also includes the whole or any part of a nationally recognized model code, with or without amendments specific to such city, town, village, or county.

2. Notwithstanding the provisions of any other law to the contrary, if a city, town, village, or county adopts or has adopted, implements, and enforces a residential construction regulatory system applicable to residential construction within its jurisdiction, any fire protection districts wholly or partly located within such city, town, village, or county shall be without power, authority, or privilege to enforce or implement a residential construction regulatory system purporting to be applicable to any residential construction within such city, town, village, or county. Any such residential construction regulatory system adopted by a fire protection district or its board shall be treated as advisory only and shall not be enforced by such fire protection district or its board.

3. Notwithstanding the provisions of any other law to the contrary, fire protection districts:

(1) Shall have final regulatory authority regarding the location and specifications of fire hydrants, fire hydrant flow rates, and fire lanes, all as it relates to residential construction; and

(2) May inspect the alteration, enlargement, replacement or repair of a detached single-family or two-family dwelling; and

(3) Shall not collect a fee for the services described in subdivisions (1) and (2) of this subsection.”; and

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

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

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 1458, Page 8, Section 1, Line 27, by inserting the following after all of said line:

“Section 2. Any company that installs, inspects, or services fire extinguishing equipment shall have filed with the division of fire safety within the department of public safety a security bond of twenty-five thousand dollars issued by a responsible corporate surety licensed to execute surety bonds in the state of Missouri.”; and

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

On motion of Representative Johnson, **House Amendment No. 3** was adopted by the following vote:

AYES: 102

Allen	Anders	Atkins	Black	Brandom
Brown 50	Brown 116	Carlson	Casey	Cierpiot
Colona	Conway 27	Cookson	Cross	Denison
Dieckhaus	Diehl	Ellinger	Ellington	Elmer
Entlicher	Fallert	Fisher	Fitzwater	Flanigan
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner
Harris	Higdon	Hinson	Hodges	Hoskins
Hough	Hubbard	Hummel	Johnson	Jones 63
Jones 89	Jones 117	Kelley 126	Kelly 24	Kirkton
Klippenstein	Kratky	Lair	Lampe	Lant
Largent	Lichtenegger	Long	May	McCann Beatty
McCreery	McDonald	McGeoghegan	McGhee	McManus
McNary	McNeil	Meadows	Montecillo	Morgan
Nance	Nasheed	Newman	Nichols	Oxford
Pace	Pierson	Quinn	Redmon	Reiboldt
Richardson	Riddle	Rizzo	Rowland	Ruzicka
Schieffer	Schupp	Shively	Shumake	Sifton
Silvey	Smith 71	Smith 150	Solon	Sommer
Spreng	Still	Stream	Swearingen	Swinger
Talboy	Taylor	Thomson	Torpey	Wallingford
Walton Gray	Webber			

NOES: 041

Asbury	Bahr	Barnes	Bernskoetter	Berry
Brattin	Brown 85	Burlison	Cauthorn	Conway 14
Cox	Crawford	Curtman	Davis	Franklin
Franz	Frederick	Hampton	Houghton	Keeney
Koenig	Korman	Lasater	Lauer	Leach
Leara	Loehner	Marshall	McCaherty	Neth
Phillips	Pollock	Scharnhorst	Schatz	Schieber
Schoeller	Wells	White	Wieland	Wright
Wyatt				

PRESENT: 000

ABSENT WITH LEAVE: 020

Aull	Carter	Day	Dugger	Fraker
Fuhr	Funderburk	Holsman	Hughes	Kander
Molendorp	Nolte	Parkinson	Sater	Schad
Schneider	Webb	Weter	Zerr	Mr Speaker

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

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 1458, Page 7, Section 321.711, Line 16, by inserting after all of said line the following:

“577.029. A licensed physician, registered nurse, or trained **in hospital** medical technician, acting at the request and direction of the law enforcement officer, shall withdraw blood for the purpose of determining the alcohol content of the blood, unless such medical personnel, in his or her good faith medical judgment, believes such procedure would endanger the life or health of the person in custody. Blood may be withdrawn only by such medical personnel, but such restriction shall not apply to the taking of a breath test, a saliva specimen, or a urine specimen. In withdrawing blood for the purpose of determining the alcohol content thereof, only a previously unused and sterile needle and sterile vessel shall be utilized and the withdrawal shall otherwise be in strict accord with accepted medical practices. Upon the request of the person who is tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to him or her.”; and

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

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

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

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 1458, Page 3, Section 302.291, Line 78, by inserting after all of said section and line the following:

“320.106. As used in sections 320.106 to 320.161, unless clearly indicated otherwise, the following terms mean:

- (1) "American Pyrotechnics Association (APA), Standard 87-1", or subsequent standard which may amend or supersede this standard for manufacturers, importers and distributors of fireworks;
- (2) "Chemical composition", all pyrotechnic and explosive composition contained in fireworks devices as defined in American Pyrotechnics Association (APA), Standard 87-1;
- (3) "Consumer fireworks", explosive devices designed primarily to produce visible or audible effects by combustion and includes aerial devices and ground devices, all of which are classified as fireworks, UNO336, [1.4G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as class C common fireworks by regulation of the United States Department of Transportation] **within 49 CFR Part 172**;
- (4) "Discharge site", the area immediately surrounding the fireworks mortars used for an outdoor fireworks display;
- (5) "Dispenser", a device designed for the measurement and delivery of liquids as fuel;
- (6) "Display fireworks", explosive devices designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes devices containing more than two grains (130 mg) of explosive composition intended for public display. These devices are classified as fireworks, **UN0333 or UN0334 or UNO335**, [1.3G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as class B display fireworks by regulation of the United States Department of Transportation] **within 49 CFR Part 172**;

(7) "Display site", the immediate area where a fireworks display is conducted, including the discharge site, the fallout area, and the required separation distance from mortars to spectator viewing areas, but not spectator viewing areas or vehicle parking areas;

(8) "Distributor", any person engaged in the business of selling fireworks to wholesalers, jobbers, seasonal retailers, other persons, or governmental bodies that possess the necessary permits as specified in sections 320.106 to 320.161, including any person that imports any fireworks of any kind in any manner into the state of Missouri;

(9) "Fireworks", any composition or device for producing a visible, audible, or both visible and audible effect by combustion, deflagration, or detonation and that meets the definition of consumer, proximate, or display fireworks as set forth by 49 CFR Part 171 to end, United States Department of Transportation hazardous materials regulations[, and American Pyrotechnics Association 87-1 standards];

(10) "Fireworks season", the period beginning on the twentieth day of June and continuing through the tenth day of July of the same year and the period beginning on the twentieth day of December and continuing through the second day of January of the next year, which shall be the only periods of time that seasonal retailers may be permitted to sell consumer fireworks;

(11) "Jobber", any person engaged in the business of making sales of consumer fireworks at wholesale or retail within the state of Missouri to nonlicensed buyers for use and distribution outside the state of Missouri during a calendar year from the first day of January through the thirty-first day of December;

(12) "Licensed operator", any person who supervises, manages, or directs the discharge of outdoor display fireworks, either by manual or electrical means; who has met additional requirements established by promulgated rule and has successfully completed a display fireworks training course recognized and approved by the state fire marshal;

(13) "Manufacturer", any person engaged in the making, manufacture, assembly or construction of fireworks of any kind within the state of Missouri;

(14) "NFPA", National Fire Protection Association, an international codes and standards organization;

(15) "Permanent structure", buildings and structures with permanent foundations other than tents, mobile homes, and trailers;

(16) "Permit", the written authority of the state fire marshal issued pursuant to sections 320.106 to 320.161 to sell, possess, manufacture, discharge, or distribute fireworks;

(17) "Person", any corporation, association, partnership or individual or group thereof;

(18) "Proximate fireworks", a chemical mixture used in the entertainment industry to produce visible or audible effects by combustion, deflagration, or detonation, as [defined by the most current edition of the American Pyrotechnics Association (APA), Standard 87-1, section 3.8, specific requirements for theatrical pyrotechnics] **classified within 49 CFR Part 172 as UN0431 or UN0432;**

(19) "Pyrotechnic operator" or "special effects operator", an individual who has responsibility for pyrotechnic safety and who controls, initiates, or otherwise creates special effects for proximate fireworks and who has met additional requirements established by promulgated rules and has successfully completed a proximate fireworks training course recognized and approved by the state fire marshal;

(20) "Sale", an exchange of articles of fireworks for money, including barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as a principal proprietor, salesman, agent, association, copartnership or one or more individuals;

(21) "Seasonal retailer", any person within the state of Missouri engaged in the business of making sales of consumer fireworks in Missouri only during a fireworks season as defined by subdivision (10) of this section;

(22) "Wholesaler", any person engaged in the business of making sales of consumer fireworks to any other person engaged in the business of making sales of consumer fireworks at retail within the state of Missouri.

320.131. 1. It is unlawful for any person to possess, sell or use within the state of Missouri, or ship into the state of Missouri, except as provided in section 320.126, any pyrotechnics commonly known as "fireworks" and defined as consumer fireworks in subdivision (3) of section 320.106 other than items now or hereafter classified as fireworks UNO336, 1.4G by the United States Department of Transportation that comply with the construction, chemical composition, labeling and other regulations relative to consumer fireworks regulations promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public pursuant to such commission's regulations.

2. No wholesaler, jobber, or seasonal retailer, or any other person shall sell, offer for sale, store, display, or have in their possession any consumer fireworks that have not been approved as fireworks UNO336, 1.4G by the United States Department of Transportation.

3. No jobber, wholesaler, manufacturer, or distributor shall sell to seasonal retailer dealers, or any other person, in this state for the purpose of resale, or use, in this state, any consumer fireworks which do not have the numbers and letter "1.4G" printed within an orange, diamond-shaped label printed on or attached to the fireworks shipping carton.

4. This section does not prohibit a manufacturer, distributor or any other person **possessing the proper permits as specified by state and federal law** from storing, selling, shipping or otherwise transporting display or proximate fireworks[, defined as fireworks UNO335, 1.3G/UNO431, 1.4G or UNO432, 1.4S by the United States Department of Transportation, provided they possess the proper permits as specified by state and federal law].

5. Matches, toy pistols, toy canes, toy guns, party poppers, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound, provided that they are so constructed that the hand cannot come into contact with the cap when in place for use, and toy pistol paper caps which contain less than twenty-five hundredths grains of explosive mixture shall be permitted for sale and use at all times and shall not be regulated by the provisions of sections 320.106 to 320.161.

320.136. Ground salutes commonly known as "cherry bombs", "M-80's", "M-100's", "M-1000's", and any other tubular salutes or any items described as prohibited chemical components or forbidden devices as listed in the American Pyrotechnics Association Standard 87-1 or which exceed the [federal] limits set for **consumer** fireworks [UNO336, 1.4G formerly known as class C common fireworks, display fireworks UNO335, 1.3F, and proximate fireworks UNO431, 1.4F/UNO432, 1.4S by the United States Department of Transportation], **display fireworks, or proximate fireworks** for explosive composition are expressly prohibited from shipment into, manufacture, possession, sale, or use within the state of Missouri for consumer use. Possession, sale, manufacture, or transport of this type of illegal explosive shall be punished as provided by the provisions of section 571.020.”; and

Further amend said bill, Page 8, Section 1, Line 27, by inserting after all of said section and line the following:

“Section B. Because immediate action is necessary to ensure compliance with federal regulations prior to the sale of fireworks for the Independence Day holiday, Sections 320.106, 320.131, and 320.136 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 Sections 320.106, 320.131, and 320.136 of Section A 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 Bernskoetter, **House Amendment No. 5** was adopted.

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

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 1458, Page 1, Section A, Line 3, by inserting the following after all of said line:

“[650.325.] **190.411**. There is hereby established within the department of public safety the “[Advisory Committee for] 911 Service Oversight **Board**” which is charged with assisting and advising the state in ensuring the availability, implementation and enhancement of a statewide emergency telephone number common to all jurisdictions through research, planning, training and education. The [committee for] 911 service oversight **board** shall represent all entities and jurisdictions before appropriate policy-making authorities and the general assembly and shall strive toward the immediate access to emergency services for all citizens of this state.

[650.330.] **190.415**. 1. The [committee for] 911 service oversight **board** shall consist of [sixteen] **seven** members, one of [which] **whom** shall be [chosen from] **the director of** the department of public safety **or the director's designee**, who shall serve as chair of the [committee] **board** and only vote in the instance of a tie vote among the other members, and the other members shall be selected as follows:

- (1) [One member chosen to represent an association domiciled in this state whose primary interest relates to counties;
- (2) One member chosen to represent the Missouri public service commission;

- (3)] One member chosen to represent emergency medical services;
 - [(4)] (2) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to a national emergency number;
 - [(5)] (3) One member chosen to represent an association whose primary interest relates to issues pertaining to fire chiefs;
 - [(6)] (4) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to issues pertaining to public safety communications officers;
 - [(7)] (5) One member chosen to represent an association whose primary interest relates to issues pertaining to [police chiefs] **law enforcement officials; and**
 - [(8) One member chosen to represent a league or association domiciled in this state whose primary interest relates to issues pertaining to municipalities;
 - (9) One member chosen to represent an association domiciled in this state whose primary interest relates to issues pertaining to sheriffs;
 - (10) One member chosen to represent 911 service providers in counties of the second, third and fourth classification;
 - (11) One member chosen to represent 911 service providers in counties of the first classification, with and without charter forms of government, and cities not within a county;
 - (12)] (6) One member chosen to represent telecommunications service providers with at least one hundred thousand access lines located within Missouri[;
 - (13) One member chosen to represent telecommunications service providers with less than one hundred thousand access lines located within Missouri;
 - (14) One member chosen to represent a professional association of physicians who conduct with emergency care; and
 - (15) One member chosen to represent the general public of Missouri who represents an association whose primary interest relates to education and training, including that of 911, police and fire dispatchers].
2. Each of the members of the [committee for] 911 service oversight **board** shall be appointed by the governor with the advice and consent of the senate for a term of four years[; except that, of those members first appointed, four members shall be appointed to serve for one year, four members shall be appointed to serve for two years, four members shall be appointed to serve for three years and four members shall be appointed to serve for four years]. Members of the [committee] **board** may serve multiple terms.
 3. The [committee for] 911 service oversight **board** shall meet at least quarterly at a place and time specified by the chairperson of the [committee] **board** and it shall keep and maintain records of such meetings, as well as the other activities of the [committee] **board**. Members shall not be compensated but shall receive actual and necessary expenses for attending meetings of the [committee] **board**.
 4. The [committee for] 911 service oversight **board** shall:
 - (1) Organize and adopt standards governing the [committee's] **board's** formal and informal procedures;
 - (2) Provide recommendations for primary answering points and secondary answering points on statewide technical and operational standards for 911 services;
 - (3) Provide recommendations to public agencies concerning model systems to be considered in preparing a 911 service plan;
 - (4) Provide requested mediation services to political subdivisions involved in jurisdictional disputes regarding the provision of 911 services, except that such [committee] **board** shall not supersede decision-making authority of local political subdivisions in regard to 911 services;
 - (5) Provide assistance to the governor and the general assembly regarding 911 services;
 - (6) Review existing and proposed legislation and make recommendations as to changes that would improve such legislation;
 - (7) Aid and assist in the timely collection and dissemination of information relating to the use of a universal emergency telephone number;
 - (8) Perform other duties as necessary to promote successful development, implementation and operation of 911 systems across the state; and
 - (9) Advise the department of public safety on establishing rules and regulations necessary to administer the provisions of sections [650.320 to 650.340] **190.400 to 190.445**.
 5. The department of public safety shall provide staff assistance to the [committee for] 911 service oversight **board** as necessary in order for the [committee] **board** to perform its duties pursuant to sections [650.320 to 650.340] **190.400 to 190.445**.

6. The department of public safety is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within section [650.340] **190.445**. Any rule or portion of a rule, as that term is defined in section 536.010, shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

[650.340.] **190.445**. 1. The provisions of this section may be cited and shall be known as the "911 Training and Standards Act".

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

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

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

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

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

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

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

Further amend said bill, Section 1, Page 8, Line 27, by inserting the following after all of said line:

“[190.400. As used in sections 190.400 to 190.440, the following words and terms shall mean:

- (1) "911", the primary emergency telephone number within the wireless system;
- (2) "Board", the wireless service provider enhanced 911 advisory board;
- (3) "Public safety agency", a functional division of a public agency which provides fire fighting, police, medical or other emergency services. For the purpose of providing wireless service to users of 911 emergency services, as expressly provided in this section, the department of public safety and state highway patrol shall be considered a public safety agency;
- (4) "Public safety answering point", the location at which 911 calls are initially answered;
- (5) "Wireless service provider", a provider of commercial mobile service pursuant to Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et seq).]

[190.410. 1. There is hereby created in the department of public safety the "Wireless Service Provider Enhanced 911 Advisory Board", consisting of eight members as follows:

- (1) The director of the department of public safety or the director's designee who shall hold a position of authority in such department of at least a division director;
- (2) The chairperson of the public service commission or the chairperson's designee; except that such designee shall be a commissioner of the public service commission or hold a position of authority in the commission of at least a division director;

(3) Three representatives and one alternate from the wireless service providers, elected by a majority vote of wireless service providers licensed to provide service in this state; and

(4) Three representatives from public safety answering point organizations, elected by the members of the state chapter of the associated public safety communications officials and the state chapter of the National Emergency Numbering Association.

2. Immediately after the board is established the initial term of membership for a member elected pursuant to subdivision (3) of subsection 1 of this section shall be one year and all subsequent terms for members so elected shall be two years. The membership term for a member elected pursuant to subdivision (4) of subsection 1 of this section shall initially and subsequently be two years. Each member shall serve no more than two successive terms unless the member is on the board pursuant to subdivision (1) or (2) of subsection 1 of this section. Members of the board shall serve without compensation, however, the members may receive reimbursement of actual and necessary expenses. Any vacancies on the board shall be filled in the manner provided for in this subsection.

3. The board shall do the following:

(1) Elect from its membership a chair and other such officers as the board deems necessary for the conduct of its business;

(2) Meet at least one time per year for the purpose of discussing the implementation of Federal Communications Commission order 94-102;

(3) Advise the office of administration regarding implementation of Federal Communications Commission order 94-102; and

(4) Provide any requested mediation service to a political subdivision which is involved in a jurisdictional dispute regarding the providing of wireless 911 services. The board shall not supersede decision-making authority of any political subdivision in regard to 911 services.

4. The director of the department of public safety shall provide and coordinate staff and equipment services to the board to facilitate the board's duties.]

[190.420. 1. There is hereby established in the state treasury a fund to be known as the "Wireless Service Provider Enhanced 911 Service Fund". All fees collected pursuant to sections 190.400 to 190.440 by wireless service providers shall be remitted to the director of the department of revenue. The director shall remit such payments to the state treasurer.

2. The state treasurer shall deposit such payments into the wireless service provider enhanced 911 service fund. Moneys in the fund shall be used for the purpose of reimbursing expenditures actually incurred in the implementation and operation of the wireless service provider enhanced 911 system.

3. Any unexpended balance in the fund shall be exempt from the provisions of section 33.080, relating to the transfer of unexpended balances to the general revenue fund, and shall remain in the fund. Any interest earned on the moneys in the fund shall be deposited into the fund.]

[190.430. 1. The commissioner of the office of administration is authorized to establish a fee, if approved by the voters pursuant to section 190.440, not to exceed fifty cents per wireless telephone number per month to be collected by wireless service providers from wireless service customers.

2. The office of administration shall promulgate rules and regulations to administer the provisions of sections 190.400 to 190.440. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated pursuant to the authority delegated in sections 190.400 to 190.440 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. All rulemaking authority delegated prior to July 2, 1998, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to July 2, 1998, if it fully complied with the provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 2, 1998, shall be invalid and void.

3. The office of administration is authorized to administer the fund and to distribute the moneys in the wireless service provider enhanced 911 service fund for approved expenditures as follows:

(1) For the reimbursement of actual expenditures for implementation of wireless enhanced 911 service by wireless service providers in implementing Federal Communications Commission order 94-102; and

(2) To subsidize and assist the public safety answering points based on a formula established by the office of administration, which may include, but is not limited to the following:

(a) The volume of wireless 911 calls received by each public safety answering point;

(b) The population of the public safety answering point jurisdiction;

(c) The number of wireless telephones in a public safety answering point jurisdiction by zip code; and

(d) Any other criteria found to be valid by the office of administration provided that of the total amount of the funds used to subsidize and assist the public safety answering points, at least ten percent of said funds shall be distributed equally among all said public safety answering points providing said services under said section;

(3) For the reimbursement of actual expenditures for equipment for implementation of wireless enhanced 911 service by public safety answering points to the extent that funds are available, provided that ten percent of funds distributed to public safety answering points shall be distributed in equal amounts to each public safety answering point participating in enhanced 911 service;

(4) Notwithstanding any other provision of the law, no proprietary information submitted pursuant to this section shall be subject to subpoena or otherwise released to any person other than to the submitting wireless service provider, without the express permission of said wireless service provider. General information collected pursuant to this section shall only be released or published in aggregate amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to an individual wireless service provider.

4. Wireless service providers are entitled to retain one percent of the surcharge money they collect for administrative costs associated with billing and collection of the surcharge.

5. No more than five percent of the moneys in the fund, subject to appropriation by the general assembly, shall be retained by the office of administration for reimbursement of the costs of overseeing the fund and for the actual and necessary expenses of the board.

6. The office of administration shall review the distribution formula once every year and may adjust the amount of the fee within the limits of this section, as determined necessary.

7. The provisions of sections 190.307 and 190.308 shall be applicable to programs and services authorized by sections 190.400 to 190.440.

8. Notwithstanding any other provision of the law, in no event shall any wireless service provider, its officers, employees, assigns or agents, be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, an act or omission in the development, design, installation, operation, maintenance, performance or provision of 911 service or other emergency wireless two- and three-digit wireless numbers, unless said acts or omissions constitute gross negligence, recklessness or intentional misconduct. Nor shall any wireless service provider, its officers, employees, assigns, or agents be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, the release of subscriber information to any governmental entity as required under the provisions of this act unless the release constitutes gross negligence, recklessness or intentional misconduct.]

[190.440. 1. The office of administration shall not be authorized to establish a fee pursuant to the authority granted in section 190.430 unless a ballot measure is submitted and approved by the voters of this state. The ballot measure shall be submitted by the secretary of state for approval or rejection at the general election held and conducted on the Tuesday immediately following the first Monday in November, 1998, or at a special election to be called by the governor on the ballot measure. If the measure is rejected at such general or special election, the measure may be resubmitted at each subsequent general election, or may be resubmitted at any subsequent special election called by the governor on the ballot measure, until such measure is approved.

2. The ballot of the submission shall contain, but is not limited to, the following language:

Shall the Missouri Office of Administration be authorized to establish a fee of up to fifty cents per month to be charged every wireless telephone number for the purpose of funding wireless enhanced 911 service?

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".

3. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are in favor of such measure, then the office of administration shall be authorized to establish a fee pursuant to section 190.430, and the fee shall be effective on January 1, 1999, or the first day of the month occurring at least thirty days after the approval of the ballot measure. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are opposed to the measure, then the office of administration shall have no power to establish the fee unless and until the measure is approved.]

[650.320. For the purposes of sections 650.320 to 650.340, the following terms mean:

(1) "Committee", the advisory committee for 911 service oversight established in section 650.325;

(2) "Public safety answering point", the location at which 911 calls are initially answered;

(3) "Telecommunicator", any person employed as an emergency telephone worker, call taker or public safety dispatcher whose duties include receiving, processing or transmitting public safety information received through a 911 public safety answering point.]; and

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

Representative Cierpiot offered **House Amendment No. 1 to House Amendment No. 6.**

House Amendment No. 1

to

House Amendment No. 6

AMEND House Amendment No. 6 to House Committee Substitute for House Bill No. 1458, Page 2, Line 7, by inserting an opening bracket "[" immediately after the word "with" on said line; and

Further amend said amendment and page, Line 8, by inserting a closing bracket "]" immediately after the word "thousand" on said line; and

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

On motion of Representative Cierpiot, **House Amendment No. 1 to House Amendment No. 6** was adopted.

Representative Hinson offered **House Amendment No. 2 to House Amendment No. 6.**

House Amendment No. 2 to House Amendment No. 6 was withdrawn.

Representative Riddle moved the previous question.

Which motion was adopted by the following vote:

AYES: 089

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 85	Burlison
Cauthorn	Cierpiot	Conway 14	Cookson	Cox
Crawford	Davis	Denison	Dieckhaus	Diehl
Dugger	Fisher	Fitzwater	Flanigan	Fraker

Franklin	Franz	Frederick	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hampton	Higdon
Hinson	Hoskins	Hough	Houghton	Johnson
Jones 89	Keeney	Kelley 126	Klippenstein	Koenig
Korman	Lair	Lant	Lasater	Lauer
Leach	Leara	Lichtenegger	Loehner	Long
Marshall	McCaherty	McGhee	McNary	Nance
Neth	Nolte	Phillips	Pollock	Redmon
Reiboldt	Richardson	Riddle	Rowland	Ruzicka
Sater	Scharnhorst	Schatz	Schieber	Schneider
Schoeller	Shumake	Silvey	Smith 150	Solon
Sommer	Thomson	Torpey	Wallingford	Wells
White	Wright	Wyatt	Zerr	

NOES: 047

Anders	Atkins	Black	Brown 50	Carlson
Casey	Colona	Conway 27	Ellington	Fallert
Harris	Hodges	Hubbard	Hummel	Jones 63
Kelly 24	Kirkton	Kratky	Lampe	May
McCann Beatty	McCreery	McDonald	McGeoghegan	McNeil
Meadows	Montecillo	Morgan	Newman	Nichols
Oxford	Pace	Pierson	Quinn	Rizzo
Schieffer	Schupp	Shively	Sifton	Spreng
Still	Swearingen	Swinger	Talboy	Taylor
Walton Gray	Webber			

PRESENT: 000

ABSENT WITH LEAVE: 027

Aull	Brown 116	Carter	Cross	Curtman
Day	Ellinger	Elmer	Entlicher	Fuhr
Funderburk	Holsman	Hughes	Jones 117	Kander
Largent	McManus	Molendorp	Nasheed	Parkinson
Schad	Smith 71	Stream	Webb	Weter
Wieland	Mr Speaker			

On motion of Representative Gatschenberger, **House Amendment No. 6, as amended**, was adopted.

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

House Amendment No. 7

AMEND House Committee Substitute for House Bill No. 1458, Page 3, Section 302.291, Line 78, by inserting after all of said line the following:

- “302.800. 1. For purposes of this section, the following terms mean:**
- (1) "Department", the department of revenue;**
 - (2) "Director", the director of the department of revenue;**
 - (3) "Emergency responder", a municipal, county, or state law enforcement officer or firefighter, or other person who has been trained to provide emergency medical first response services;**
 - (4) "Program participant", an individual who has completed a health information card that includes health and emergency contact information, and affixed the decal provided by the department of revenue under this section to the individual's motor vehicle.**

2. There is hereby established a "Missouri Yellow Dot Program" in the department of revenue. The purpose of the program is to provide emergency responders with critical health and emergency contact information about program participants so emergency responders may aid program participants when those individuals are involved in motor vehicle emergencies or accidents and are unable to communicate.

3. The department of revenue shall design Missouri yellow dot program materials, giving consideration to the program materials used by other states in similar programs. Program materials shall include, but shall not be limited to:

(1) A yellow decal of a size and design to be determined by the department which shall be affixed to the rear driver's side window of the program participant's vehicle;

(2) A health information card which provides space for an individual to attach a recent photograph and indicate the individual's name, emergency contact information, physician's names and contact information, medical conditions, recent surgeries, allergies, medications, and any other information the director deems relevant to emergency responders in the case of emergency;

(3) A yellow envelope of a size and design to be determined by the director into which the health information card established under this subsection is to be inserted and placed into the program participant's glove compartment; and

(4) A program instruction sheet including an electronic mail address required under subsection 4 of this section.

4. The department shall establish an electronic mail mechanism through which persons may ask questions about the program and receive assistance in completing the health information card.

5. The department shall provide sufficient program materials to other state departments or agencies seeking to distribute or make program materials available to interested persons.

6. The director shall notify the state highway patrol regarding the implementation of the Missouri yellow dot program so that all emergency responders are informed about the program.

7. The department may charge an individual seeking to participate in the program a nominal fee to cover the administrative cost of the program.

8. The department shall make Missouri yellow dot program materials available for pick up by any interested person at any driver's license office and shall provide for an online means through which individuals can request the materials required to participate in the program. Any other state department or agency may make the program materials available for distribution to, or pick up by, any interested person.

9. The department shall develop and undertake a public education campaign to inform the public about the program established in this section.

10. The director may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

11. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section 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 twelve 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 Lampe, **House Amendment No. 7** was adopted.

Representative Riddle moved the previous question.

Which motion was adopted by the following vote:

AYES: 084

Allen	Asbury	Bahr	Bernskoetter	Berry
Brandom	Brattin	Brown 85	Burlison	Cauthorn
Cierpiot	Conway 14	Cookson	Cox	Crawford
Davis	Denison	Dieckhaus	Diehl	Dugger
Fisher	Fitzwater	Flanigan	Fraker	Franklin
Franz	Frederick	Gatschenberger	Gosen	Grisamore
Guernsey	Haefner	Hampton	Higdon	Hinson
Hoskins	Hough	Houghton	Johnson	Keeney
Kelley 126	Klippenstein	Koenig	Korman	Lair
Lant	Lasater	Lauer	Leach	Leara
Lichtenegger	Loehner	Long	Marshall	McCaherty
McGhee	McNary	Nance	Neth	Nolte
Parkinson	Phillips	Redmon	Reiboldt	Riddle
Rowland	Ruzicka	Sater	Scharnhorst	Schatz
Schieber	Schneider	Schoeller	Shumake	Silvey
Smith 150	Solon	Sommer	Thomson	Torpey
Wallingford	Wells	White	Zerr	

NOES: 050

Anders	Atkins	Black	Brown 50	Carlson
Casey	Conway 27	Ellinger	Ellington	Fallert
Harris	Hodges	Hubbard	Hummel	Jones 63
Kander	Kelly 24	Kirkton	Kratky	Lampe
May	McCann Beatty	McCreery	McDonald	McGeoghegan
McManus	McNeil	Meadows	Montecillo	Morgan
Nasheed	Newman	Nichols	Oxford	Pace
Pierson	Quinn	Rizzo	Schieffer	Schupp
Shively	Sifton	Spreng	Still	Swearingen
Swinger	Talboy	Taylor	Walton Gray	Webber

PRESENT: 000

ABSENT WITH LEAVE: 029

Aull	Barnes	Brown 116	Carter	Colona
Cross	Curtman	Day	Elmer	Entlicher
Fuhr	Funderburk	Holsman	Hughes	Jones 89
Jones 117	Largent	Molendorp	Pollock	Richardson
Schad	Smith 71	Stream	Webb	Weter
Wieland	Wright	Wyatt	Mr Speaker	

On motion of Representative Hinson, **HCS HB 1458, as amended**, was adopted.

On motion of Representative Hinson, **HCS HB 1458, as amended**, was ordered perfected and printed.

REFERRAL OF HOUSE RESOLUTION

The following House Resolution was referred to the Committee indicated:

HR 1365 - Rules

REFERRAL OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were referred to the Committee indicated:

HCS HJR 47 - Fiscal Review

HJR 49 - Fiscal Review

HJR 71 - Fiscal Review

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 1891 - General Laws

HB 2092 - General Laws

HB 2103 - Small Business

COMMITTEE REPORTS

Committee on Agriculture Policy, Chairman Loehner reporting:

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **HB 1254**, 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.

Committee on Economic Development, Chairman Zerr reporting:

Mr. Speaker: Your Committee on Economic Development, to which was referred **HCR 47**, 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.

HOUSE CONCURRENT RESOLUTION NO. 47

WHEREAS, United States Secretary of Defense Leon E. Panetta recently announced that the Pentagon will seek new rounds of base closures, mission realignments, and procurement decreases as part of the federal budget cutting process; and

WHEREAS, Secretary Panetta states that, in an effort to cut \$487 billion over the next decade, the number of soldiers in the United States Army will drop over the next five years from 562,000 to 490,000, and the number of marines in the United States Marine Corps will drop over the next five years from 202,000 to 182,000; and

WHEREAS, the President's FY 2013 Budget adjusts Air Force military end strength to 501,000, with net reductions of 3,900 active duty, 5,100 Air National Guard, and 900 Air Force Reserve billets, reflecting an especially severe impact on the Guard and Reserves; and

WHEREAS, the Pentagon planners intend to reduce procurement of weapons systems by more than 10% in FY2012 to \$108.5 billion, down from \$120.6 billion in FY2011; and

WHEREAS, Missouri is currently home to a number of major military bases and agencies, including Whiteman Air Force Base near Knob Noster and its 509th Bomb Wing, the only Air Force Unit that operates the B-2 Spirit Stealth Bomber; the United States Army Maneuver Support Center at Fort Leonard Wood and its Chemical, Biological, Nuclear and Radiological School (CBRN), Military Police, and Army Engineer Schools; the National Geospatial-Intelligence Agency (NGA) in Arnold; the Missouri National Guard's Ike Skelton Training Center (ISTS) in Jefferson City; the Theater Aviation Sustainment Maintenance Group (TASMG) in Springfield; and the 139th Airlift Wing in St. Joseph, among numerous other facilities and locations; and

WHEREAS, according to the latest available data, the Department of Defense employs approximately 26,000 civilian and active duty military personnel in Missouri at more than 11 major locations across the state, and provides additional funding for approximately 26,000 members of the Reserves and National Guard; and

WHEREAS, civilian and active duty military personnel and members of the Reserves and National Guard are paid \$1.9 billion in wages and salary and contribute \$3.4 billion to the gross state product; and

WHEREAS, Missouri's defense industry plays a vital role in the state's economy, employing 160,000 Missourians working to support, either directly or indirectly, over \$12 billion in Department of Defense procurement contracts awarded to Missouri companies, ranking 5th among the states in total dollars; and

WHEREAS, Missouri's defense procurement contracts are heavily oriented toward research and operational systems and manufacturing companies, particularly aerospace manufacturing at the Boeing Company, Missouri's 3rd largest employer, and its supply chain; and

WHEREAS, Missouri is home to several outstanding universities, including the University of Missouri, Washington University, and St. Louis University, that conduct cutting edge defense research for the government, providing the innovation needed to keep our military the finest in the world and creating the academic environment necessary to produce critical talent for government and industry workforce; and

WHEREAS, the nation's primary concern must always be national defense and the security of the United States, including Missouri; and

WHEREAS, Missouri is heavily committed to providing for our national defense and security as an accommodating partner and a proud home to major military installations and agencies, 52,000 military personnel, and 160,000 citizens who work at companies that manufacture defense systems, provide valuable services, and perform critical research; and

WHEREAS, Missouri has a vital economic interest in maintaining its military installations and agencies, and in presenting to national leaders evidence of Missouri's capacity to provide additional, cost effective, and flexible support to defense missions during the federal government's efforts to re-establish its basing, costing, and capabilities:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby strongly urge the United States Department of Defense and Missouri's Congressional delegation to protect, promote, and leverage Missouri's military bases and agencies, keep the number of military personnel in the state intact, and preserve defense industry procurement so that Missouri may continue to support the defense and protection of the state and the United States and keep its economy in sound condition; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for United States Secretary of Defense Leon E. Panetta and each member of the Missouri Congressional delegation.

Committee on Elementary and Secondary Education, Chairman Dieckhaus reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 1526**, 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.

Committee on Health Care Policy, Chairman Sater reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was returned **HB 1490**, 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 Health Insurance, Chairman Molendorp reporting:

Mr. Speaker: Your Committee on Health Insurance, to which was referred **HB 1922**, 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.

Committee on Local Government, Chairman Gatschenberger reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **SB 736**, 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 Renewable Energy, Chairman Holsman reporting:

Mr. Speaker: Your Special Standing Committee on Renewable Energy, to which was referred **HB 1809**, 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.

Committee on Transportation, Chairman Denison reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **SCS SB 480**, 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.

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 564**, 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.

Mr. Speaker: Your Committee on Transportation, to which was referred **SS SB 607**, 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.

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 611**, 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.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HCS HB 1106**, entitled:

An act to repeal sections 52.010, 54.033, 54.330, and 115.342, RSMo, and to enact in lieu thereof four new sections relating to certain public offices that have statutory bond requirements.

With Senate Amendment No. 1.

Senate Amendment No. 1

AMEND Senate Substitute for House Committee Substitute for House Bill No. 1106, Page 1, Section A, Line 4 of said page, by inserting immediately after all of said line the following:

"50.332. [Each county officer] In all counties [except first class counties having a charter form of government] **of the first, second, third, and fourth classes, and in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, each county officer** may, subject to the approval of the governing body of the county, contract with the governing body of any municipality located within such county, either in whole or in part, to perform the same type of duties for such municipality as such county officer is performing for the county. Any compensation paid by a municipality for services rendered pursuant to this section shall be paid directly to the county, or county officer, or both, as provided in the provisions of the contract, and any compensation allowed any county officer under any such contract may be retained by such officer in addition to all other compensation provided by law."; and

Further amend said bill, Page 2, Section 52.010, Line 4 of said page, by inserting immediately after all of said line the following:

"52.320. 1. The collector of revenue in counties using data processing systems of record keeping, except counties of the first class having a charter form of government, in addition to other duties provided by law, shall coordinate the purification of the tax data flows from the offices of the recorder, county clerk and assessor with that of the collector of revenue in cooperation with the data processing center handling such records.

2. In all counties of the first class not having a charter form of government **and in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants** the collector of revenue may enter into a contract with a city providing for the collection of municipal taxes by the collector. Any compensation paid by a city for services rendered pursuant to this section shall be paid directly to the county, or collector, or both, as provided in the contract, and all compensation, not to exceed three thousand dollars annually from all such contracts, allowed the collector under any such contract may be retained by the collector in addition to all other compensation provided by law."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

ADJOURNMENT

On motion of Representative Riddle, the House adjourned until 10:00 a.m., Thursday, April 12, 2012.

COMMITTEE MEETINGS

CORRECTIONS

Thursday, April 12, 2012, 8:00 AM House Hearing Room 7.
Public hearing will be held: HB 1614, HB 1838
Executive session may be held on any matter referred to the committee.

DOWNSIZING STATE GOVERNMENT

Thursday, April 12, 2012, 9:00 AM House Hearing Room 6.
Executive session will be held: SS SCS SB 469

FISCAL REVIEW

Thursday, April 12, 2012, 9:00 AM South Gallery.
Executive session may be held on any matter referred to the committee.
Any bills referred to the committee
CORRECTED

GENERAL LAWS

Thursday, April 12, 2012, 9:00 AM North Gallery.
Executive session may be held on any matter referred to the committee.
Executive session

INSURANCE POLICY

Thursday, April 12, 2012, 8:30 AM House Hearing Room 3.
Public hearing will be held: HB 1745
Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Monday, April 16, 2012, 2:30 PM House Hearing Room 2.
Executive session may be held on any matter referred to the committee.
Oversight Subcommittee meeting
Contested Fiscal Notes: SCS HCS HB 1193, SS #2 SCS SB 710

Conference Call Numbers:
Local 573-526-5504
Toll Free 866-630-9347

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, April 19, 2012, 9:00 AM House Hearing Room 6.
Executive session may be held on any matter referred to the committee.
2nd Quarter Meeting

RETIREMENT

Thursday, April 12, 2012, 9:00 AM House Hearing Room 1.
Executive session will be held: HB 1543, HB 1741, HB 1857
Executive session may be held on any matter referred to the committee.

RULES

Thursday, April 12, 2012, 9:30 AM House Hearing Room 6.

HB 1475 will have a public hearing in this committee.

Any or all bills referred to this committee may be heard and/or executive action taken.

CANCELLED

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

Thursday, April 12, 2012, 9:30 AM House Hearing Room 6.

Executive session will be held: HCR 18, HCR 46, HJR 85, HCS HJR 89, HCR 49, HCS HB 1117, HCS HB 1137, HCS HB 1210, HCS HB 1049, HCS HB 1280, HCS HB 1213, HCS HB 1328, HCS#2 HB 1358, HCS HB 1397, HB 1592, HCS HB 1637, HCS HB 1639, HCS HB 1709, HCS HB1710, HCS HB 1758, HB 1779, HCS HB 1803, HCS HB 1795, HCS HB 1818, HCS HB 1966, HCS HB 2019, SS SCS SB 470, SS SCS SB 719, SCS SB 563

Executive session may be held on any or all bills referred to this committee.

TOURISM AND NATURAL RESOURCES

Thursday, April 12, 2012, 9:00 AM House Hearing Room 4.

Public hearing will be held: HB 1778, HB 1863, HB 1813

Executive session may be held on any matter referred to the committee.

TRANSPORTATION

Thursday, April 12, 2012, Upon Morning Adjournment North Gallery.

Executive session may be held on any matter referred to the committee.

WAYS AND MEANS

Thursday, April 12, 2012, 8:30 AM House Hearing Room 5.

Public hearing will be held: HB 1944, HB 1954, HB 1727

Executive session may be held on any matter referred to the committee.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Thursday, April 12, 2012, Upon Morning Adjournment South Gallery.

Executive session will be held: HB 2099

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FIFTY-FIFTH DAY, THURSDAY, APRIL 12, 2012

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1198 - Fisher
- 2 HCS HB 1275 - Koenig
- 3 HCS HB 1717 - Kelley (126)
- 4 HCS HB 1211 - Dieckhaus
- 5 HCS HB 1364 - Schieffer
- 6 HB 1534 - Bahr
- 7 HB 1540 - Jones (89)

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- 8 HCS HBs 1574 & 1097 - Meadows
- 9 HCS HB 1661 - Hoskins
- 10 HCS HB 1826 - Fitzwater
- 11 HCS HB 1860 - Guernsey
- 12 HB 1455 - Gatschenberger
- 13 HCS HB 1274 - Koenig
- 14 HCS#2 HB 1323 - Black
- 15 HCS HB 1342 - Smith (150)
- 16 HB 1359 - Smith (150)
- 17 HCS HB 1367 - Fitzwater
- 18 HCS HB 1476 - Leara
- 19 HCS HB 1521 - Sommer
- 20 HCS HB 1869 - Dugger
- 21 HCS HB 1890 - Molendorp

HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING

HCS HCR 33, E.C. - Bernskoetter

HOUSE JOINT RESOLUTIONS FOR THIRD READING

- 1 HCS HJR 61 - Loehner
- 2 HCS HJR 47, (Fiscal Review 4/11/12) - Dugger
- 3 HJR 49, (Fiscal Review 4/11/12) - Brattin
- 4 HJR 71, (Fiscal Review 4/11/12) - Elmer

HOUSE BILLS FOR THIRD READING

- 1 HB 1277 - Long
- 2 HCS HBs 1298 & 1180 - Parkinson
- 3 HB 1431 - Hoskins
- 4 HB 1066 - McGhee
- 5 HCS HB 1134 - Scharnhorst
- 6 HCS HB 1256 - Diehl
- 7 HCS HB 1383, E.C. - Cox
- 8 HCS HB 1444 - Smith (150)
- 9 HCS HB 1549 - Richardson
- 10 HCS HB 1458, E.C. - Hinson

HOUSE CONCURRENT RESOLUTIONS

HCR 6 - Rowland

HOUSE BILLS VETOED FROM SECOND REGULAR SESSION

HB 1219 - Elmer

SENATE BILLS VETOED FROM SECOND REGULAR SESSION

SS SCS SB 572 - Richardson