

JOURNAL OF THE HOUSE

Second Regular Session, 96th GENERAL ASSEMBLY

SIXTY-NINTH DAY, TUESDAY, MAY 8, 2012

The House met pursuant to adjournment.

Speaker Tilley in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

He that doeth the will of God abideth forever. (John 2:17)

God of Grace and God of Glory, pour Your power upon us as we wait upon You in prayer on this beautiful May morning. In days of darkness we have no light but Yours, in times of trouble no refuge but in You, in periods of perplexity no strength but the strength You bestow upon the believing heart. To You do we commit ourselves and our state praying that in weakness we may be made strong, restless may we find rest in You, and when confused may we be aware of Your presence.

Grant us the courage to walk in the way of Your commandments, the confidence to do Your will and the consciousness that You are with us every moment of every day. So may we live as we pray and as we pray so may we live.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Matthew Maas.

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

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2975 through House Resolution No. 3023

THIRD READING OF SENATE BILL

SS SB 607, relating to outdoor advertising, was taken up by Representative Burlison.

SS SB 607 was laid over.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SCS SB 569, as amended**: Senators Kraus, Engler, Ridgeway, Justus and Wright-Jones.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SB 611, as amended**: Senators Lembke, Stouffer, Kehoe, McKenna and Wright-Jones.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SS SCS SB 719, as amended**: Senators Kehoe, Schmitt, Goodman, McKenna and Wright-Jones.

RECESS

On motion of Representative Jones (89), the House recessed until 11:30 a.m.

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

THIRD READING OF SENATE BILL

SCS SB 715, relating to members of the state militia, was taken up by Representative Day.

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

House Amendment No. 1

AMEND Senate Committee Substitute for Senate Bill No. 715, Page 1, the Title, by deleting the words "the state militia" and inserting in lieu thereof the following:

"entities receiving state funds"; and

Further amend said substitute, Page 1, Section 41.050, Line 12, by inserting immediately after said line the following:

"42.300. 1. There is hereby created in the state treasury the "Veterans Commission Capital Improvement Trust Fund" which shall consist of money collected under section 313.835. The state treasurer shall administer the veterans commission capital improvement trust fund, and the moneys in such fund shall be used solely, upon appropriation, by the Missouri veterans commission for:

- (1) The construction, maintenance or renovation or equipment needs of veterans' homes in this state;
- (2) The construction, maintenance, renovation, equipment needs and operation of veterans' cemeteries in this state;
- (3) Fund transfers to Missouri veterans' homes fund established under the provisions of section 42.121, as necessary to maintain solvency of the fund;

(4) Fund transfers to any municipality with a population greater than four hundred thousand and located in part of a county with a population greater than six hundred thousand in this state which has established a fund for the sole purpose of the restoration, renovation and maintenance of a memorial or museum or both dedicated to World War I. Appropriations from the veterans commission capital improvement trust fund to such memorial fund shall be provided only as a one-time match for other funds devoted to the project and shall not exceed five million dollars. Additional appropriations not to exceed ten million dollars total may be made from the veterans commission capital improvement trust fund as a match to other funds for the new construction or renovation of other facilities dedicated as veterans' memorials in the state. All appropriations for renovation, new construction, reconstruction, and maintenance of veterans' memorials shall be made only for applications received by the Missouri veterans commission prior to July 1, 2004;

(5) The issuance of matching fund grants for veterans' service officer programs to any federally chartered veterans' organization or municipal government agency that is certified by the Veterans Administration to process veteran claims within the Veterans Administration System; provided that such veterans' organization has maintained a veterans' service officer presence within the state of Missouri for the three-year period immediately preceding the issuance of any such grant. A total of one million five hundred thousand dollars in grants shall be made available annually for service officers and joint training and outreach between veterans' service organizations and the Missouri veterans commission with grants being issued in July of each year. Application for the matching grants shall be made through and approved by the Missouri veterans commission based on the requirements established by the commission;

(6) For payment of Missouri national guard and Missouri veterans commission expenses associated with providing medals, medallions and certificates in recognition of service in the armed forces of the United States during World War II, the Korean Conflict, and the Vietnam War under sections 42.170 to 42.226. Any funds remaining from the medals, medallions and certificates shall not be transferred to any other fund and shall only be utilized for the awarding of future medals, medallions, and certificates in recognition of service in the armed forces; [and]

(7) Fund transfers totaling ten million dollars to any municipality with a population greater than three hundred fifty thousand inhabitants and located in part in a county with a population greater than six hundred thousand inhabitants and with a charter form of government, for the sole purpose of the construction, restoration, renovation and maintenance of a memorial or museum or both dedicated to World War I; **and**

(8) The administration of the Missouri veterans commission.

2. Any interest which accrues to the fund shall remain in the fund and shall be used in the same manner as moneys which are transferred to the fund under this section. Notwithstanding the provisions of section 33.080, to the contrary, moneys in the veterans commission capital improvement trust fund at the end of any biennium shall not be transferred to the credit of the general revenue fund.

3. Upon request by the veterans commission, the general assembly may appropriate moneys from the veterans commission capital improvement trust fund to the Missouri national guard trust fund to support the activities described in section 41.958.

4. The state auditor shall conduct an audit of all moneys in the veterans commission capital improvement trust fund every year beginning January 1, 2011, and ending on December 31, 2013. The findings of each audit shall be distributed to the general assembly, governor, and lieutenant governor no later than ten business days after the completion of such audit.

161.215. 1. There is hereby created in the state treasury the "Early Childhood Development, Education and Care Fund" [which shall consist of money collected under section 313.835 and] which is created to give parents meaningful choices and assistance in choosing the child-care and education arrangements that are appropriate for their family. All interest received on the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080, moneys in the fund at the end of any biennium shall not be transferred to the credit of the general revenue fund. Any moneys deposited in such fund shall be used to support programs that prepare children prior to the age in which they are eligible to enroll in kindergarten under section 160.053 to enter school ready to learn. All moneys deposited in the early childhood development, education and care fund shall be annually appropriated for voluntary, early childhood development, education and care programs serving children in every region of the state not yet enrolled in kindergarten. **For fiscal year 2013 and each subsequent fiscal year, at least thirty-five million dollars of the funds received from the master settlement agreement, as defined in section 196.1000, shall be deposited in the early childhood development, education and care fund.**

2. No less than sixty percent of moneys deposited in the early childhood development, education and care fund shall be appropriated as provided in this subsection to the department of elementary and secondary education and to the department of social services to provide early childhood development, education and care programs through competitive grants to, or contracts with, governmental or private agencies. Eighty percent of such moneys under the provisions of this subsection and additional moneys as appropriated by the general assembly shall be appropriated to the department

of elementary and secondary education and twenty percent of such moneys under the provisions of this subsection shall be appropriated to the department of social services. The departments shall provide public notice and information about the grant process to potential applicants:

- (1) Grants or contracts may be provided for:
 - (a) Start-up funds for necessary materials, supplies, equipment and facilities; and
 - (b) Ongoing costs associated with the implementation of a sliding parental fee schedule based on income;
- (2) Grant and contract applications shall, at a minimum, include:
 - (a) A funding plan which demonstrates funding from a variety of sources including parental fees;
 - (b) A child development, education and care plan that is appropriate to meet the needs of children;
 - (c) The identity of any partner agencies or contractual service providers;
 - (d) Documentation of community input into program development;
 - (e) Demonstration of financial and programmatic accountability on an annual basis;
 - (f) Commitment to state licensure within one year of the initial grant, if funding comes from the appropriation

to the department of elementary and secondary education and commitment to compliance with the requirements of the department of social services, if funding comes from the department of social services; and

(g) With respect to applications by public schools, the establishment of a parent advisory committee within each public school program;

(3) In awarding grants and contracts under this subdivision, the departments may give preference to programs which:

- (a) Are new or expanding programs which increase capacity;
- (b) Target geographic areas of high need, namely where the ratio of program slots to children under the age of six in the area is less than the same ratio statewide;
- (c) Are programs designed for special needs children;
- (d) Are programs that offer services during nontraditional hours and weekends; or
- (e) Are programs that serve a high concentration of low-income families.

3. No less than ten percent of moneys deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to provide early childhood development, education and care programs through child development, education and care certificates to families whose income does not exceed one hundred eighty-five percent of the federal poverty level in the manner pursuant to 42 U.S.C. Section 9858c(c)(2)(A) and 42 U.S.C. Section 9858n(2) for the purpose of funding early childhood development, education and care programs as approved by the department of social services. At a minimum, the certificate shall be of a value per child which is commensurate with the per-child payment under paragraph (b) of subdivision (1) of subsection 2 of this section pertaining to the grants or contracts. On February first of each year the department shall certify the total amount of child development, education and care certificates applied for and the unused balance of the funds shall be released to be used for supplementing the competitive grants and contracts program authorized under subsection 2 of this section.

4. No less than ten percent of moneys deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to increase reimbursements to child-care facilities for low-income children that are accredited by a recognized, early childhood accrediting organization.

5. No less than ten percent of the funds deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to provide assistance to eligible parents whose family income does not exceed one hundred eighty-five percent of the federal poverty level who wish to care for their children under three years of age in the home, to enable such parent to take advantage of early childhood development, education and care programs for such parent's child or children. At a minimum, the certificate shall be of a value per child which is commensurate with the per-child payment under paragraph (b) of subdivision (1) of subsection 2 of this section pertaining to the grants or contracts. The department of social services shall provide assistance to these parents in the effective use of early childhood development, education and care tools and methods.

6. In setting the value of parental certificates under subsection 3 of this section and payments under subsection 5 of this section, the department of social services may increase the value based on the following:

(1) The adult caretaker of the children successfully participates in the parents as teachers program under the provisions of sections 178.691 to 178.699, a training program provided by the department on early childhood development, education and care, the home-based Head Start program as defined in 42 U.S.C. Section 9832 or a similar program approved by the department;

(2) The adult caretaker consents to and clears a child abuse or neglect screening under subdivision (1) of subsection 2 of section 210.152; and

(3) The degree of economic need of the family.

7. The department of elementary and secondary education and the department of social services each shall by rule promulgated under chapter 536 establish guidelines for the implementation of the early childhood development, education and care programs as provided in subsections 2 to 6 of this section.

8. The state auditor shall conduct an audit of all moneys in the early childhood development, education and care fund created in subsection 1 of this section every year beginning January 1, 2011, and ending on December 31, 2013. The findings of each audit shall be distributed to the general assembly no later than ten business days after the completion of such audit.

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

161.216. 1. No quality rating system, improvement system, evaluation system, or training quality assurance system for early childhood education or its successor, or any training or credentialing may be established, created, or operated within this state, unless the authority to create or operate such a quality rating system is enacted into law by the federal government or through:

- (1) A bill as prescribed by article III of the Missouri Constitution;**
- (2) An initiative petition as prescribed by section 50 of article III of the Missouri Constitution; or**
- (3) A referendum as prescribed by section 52(a) of article III of the Missouri Constitution.**

No quality rating system, improvement system, evaluation system, training quality assurance system or its successor for early childhood education shall be enacted under this section unless such system allows for ratings or evaluations to be conducted by no fewer than three nationally or regionally recognized organizations that reflect the composition and diversity of the early childhood program market.

2. In no case shall the authority for establishing, administering, or operating a quality rating system, improvement system, evaluation system, or training quality assurance system for early childhood education in Missouri be based upon an executive order issued by the governor of Missouri.

3. No department, board, commission, committee, council, agency, instrumentality, quasi-governmental entity, or political subdivision of the state of Missouri shall promulgate any rule or establish any program, policy, guideline, or plan or change any rule, program, policy, guideline, or plan to implement, establish, create, administer, or otherwise operate a quality rating system, improvement system, evaluation system, or training quality assurance system for early childhood education unless such department, board, commission, committee, council, agency, instrumentality, or political subdivision has received statutory authority to do so in a manner consistent with subsection 1 of this section.

4. No department, board, commission, committee, council, agency, instrumentality, political subdivision of this state, public officer, or quasi-governmental entity shall apply for, accept, or expend any moneys directly or indirectly related to the creation, implementation, or operation of a quality rating system, improvement system, evaluation system, or training quality assurance system for early childhood education unless such acceptance or expenditure is authorized by statute or an appropriations bill, irrespective of the source of such moneys.

5. No department, board, commission, committee, council, agency, instrumentality, political subdivision of this state, public officer, or quasi-governmental entity shall accept or expend any moneys from the gaming commission fund created in section 313.835 for anything directly or indirectly related to the creation, implementation, or operation of a quality rating system, improvement system, evaluation system, or training quality assurance system for early childhood education unless such acceptance or expenditure is authorized by statute or an appropriations bill.

6. No department, board, commission, committee, council, agency, instrumentality, political subdivision, public officer, or quasi-governmental entity, shall enter into any agreement or any obligation to establish, administer, or operate a quality rating system, improvement system, evaluation system, or training quality assurance system for early childhood education unless such department, board, commission, committee, council, agency, instrumentality, political subdivision, public officer, or quasi-governmental entity has received statutory authority to enter into such agreements or obligations. No department, board, commission, committee, council, agency, instrumentality, political subdivision, public officer, or quasi-governmental entity shall provide assistance or resources of any kind, directly or indirectly, to any department, agency, or public official related to the creation or operation of a quality rating system, improvement system, evaluation system, or training quality assurance

system for early childhood education unless such assistance or resources are authorized by state statute or such assistance or resources are specifically required by law.

7. Any taxpayer of this state or any member of the general assembly shall have standing to bring suit against the state of Missouri or any official, department, division, agency, board, commission, committee, council, political subdivision of this state, public officer, or quasi-governmental entity which is in violation of this section in any court with jurisdiction to enforce the provisions of this section.

313.835. All revenue received by the commission from license fees, penalties, administrative fees, reimbursement by any excursion gambling boat operators for services provided by the commission and admission fees authorized pursuant to the provisions of sections 313.800 to 313.850, except that portion of the admission fee, not to exceed one cent, that may be appropriated to the compulsive gamblers fund as provided in section 313.820, shall be deposited in the state treasury to the credit of the "Gaming Commission Fund" which is hereby created for the sole purpose of funding the administrative costs of the commission, subject to appropriation. Moneys deposited into this fund shall not be considered proceeds of gambling operations. Moneys deposited into the gaming commission fund shall be considered state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the gaming commission fund shall be credited to the gaming commission fund. In each fiscal year, total revenues to the gaming commission fund for the preceding fiscal year shall be compared to total expenditures and transfers from the gaming commission fund for the preceding fiscal year. The remaining net proceeds in the gaming commission fund shall be distributed in the following manner:

(1) The first five hundred thousand dollars shall be appropriated on a per capita basis to cities and counties that match the state portion and have demonstrated a need for funding community neighborhood organization programs for the homeless and to deter gang-related violence and crimes;

(2) The remaining net proceeds in the gaming commission fund for fiscal year [1999] **2013** and each fiscal year thereafter shall be distributed as follows:

(a) The first [four and one-half] **five** million dollar portion shall be transferred to the access Missouri financial assistance fund, established pursuant to the provisions of sections 173.1101 to 173.1107, and additional moneys as annually appropriated by the general assembly shall be appropriated to such fund;

(b) The second three million dollar portion shall be transferred to the veterans' commission capital improvement trust fund created in section 42.300;

(c) The third [three] **four** million dollar portion shall be transferred to the Missouri national guard trust fund created in section 41.214;

(d) Subject to appropriations, one hundred percent of remaining net proceeds in the gaming commission fund [except as provided in paragraphs (e) and (f) of this subdivision, and], after the appropriations **are** made pursuant to the provisions of paragraphs (a), (b), and (c) of this subdivision, shall be transferred to the [early childhood development, education and care fund created in section 161.215];

(e) When the remaining net proceeds, as such term is used pursuant to paragraph (d) of this subdivision, in the gaming commission fund annually exceeds twenty-eight million dollars: one-half million dollars of such proceeds shall be transferred annually, subject to appropriation, to the access Missouri financial assistance fund, established pursuant to the provisions of sections 173.1101 to 173.1107; three million dollars of such proceeds shall be transferred annually, subject to appropriation, to the veterans' commission capital improvement trust fund; and one million dollars of such proceeds shall be transferred annually, subject to appropriation, to the Missouri national guard trust fund created in section 41.214;

(f) Beginning in fiscal year 2011 and each fiscal year thereafter when the funding for early childhood education under paragraph (d) of this subdivision equals the funding level for early childhood education under paragraph (d) of this subdivision in fiscal year 2009, one-half of the next one million two hundred thousand dollars of such proceeds shall be transferred annually, subject to appropriation, to the veterans commission capital improvement trust fund for the purpose of funding veterans' service officer programs identified under subdivision (5) of subsection 1 of section 42.300, and the other half of the one million two hundred thousand dollars shall be transferred annually, subject to appropriation, to the early childhood development, education and care fund created in section 161.215] **veterans' commission capital improvement trust fund created in section 42.300.**”; and

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

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	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	Entlicher
Fisher	Fitzwater	Flanigan	Fraker	Franz
Frederick	Fuhr	Funderburk	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hampton	Higdon
Hoskins	Hough	Houghton	Johnson	Jones 89
Jones 117	Keeney	Kelley 126	Klippenstein	Koenig
Korman	Lair	Lant	Largent	Lauer
Leach	Leara	Lichtenegger	Loehner	Long
Marshall	McCaherty	McGhee	McNary	Molendorp
Neth	Nolte	Parkinson	Phillips	Pollock
Redmon	Reiboldt	Richardson	Riddle	Rowland
Ruzicka	Sater	Schad	Schatz	Schieber
Schneider	Schoeller	Shumake	Silvey	Smith 150
Solon	Sommer	Stream	Thomson	Torpey
Wallingford	Wells	Weter	White	Wieland
Wright	Wyatt	Zerr	Mr Speaker	

NOES: 054

Anders	Atkins	Aull	Black	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
Montecillo	Morgan	Nasheed	Newman	Nichols
Oxford	Pace	Pierson	Quinn	Rizzo
Schieffer	Schupp	Shively	Sifton	Smith 71
Spreng	Still	Swearingen	Swinger	Talboy
Taylor	Walton Gray	Webb	Webber	

PRESENT: 000

ABSENT WITH LEAVE: 010

Asbury	Brown 50	Elmer	Franklin	Hinson
Hughes	Lasater	Meadows	Nance	Scharnhorst

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

AYES: 124

Allen	Anders	Aull	Bahr	Barnes
Berry	Black	Brandom	Brattin	Brown 85
Brown 116	Burlison	Casey	Cauthorn	Cierpiot
Conway 14	Conway 27	Cookson	Cox	Crawford
Cross	Curtman	Davis	Day	Denison

Dieckhaus	Diehl	Dugger	Elmer	Entlicher
Fallert	Fisher	Fitzwater	Flanigan	Fraker
Franz	Frederick	Fuhr	Funderburk	Gatschenberger
Gosen	Grisamore	Guernsey	Haefner	Hampton
Harris	Higdon	Hodges	Hoskins	Hough
Houghton	Hubbard	Johnson	Jones 89	Jones 117
Kander	Keeney	Kelley 126	Kelly 24	Klippenstein
Koenig	Korman	Kratky	Lair	Lampe
Lant	Largent	Lauer	Leach	Leara
Lichtenegger	Loehner	Long	Marshall	McCaherty
McDonald	McGhee	McManus	McNary	Molendorp
Nance	Nasheed	Neth	Nichols	Nolte
Parkinson	Phillips	Pollock	Quinn	Redmon
Reiboldt	Richardson	Riddle	Rizzo	Rowland
Ruzicka	Sater	Schad	Schatz	Schieber
Schieffer	Schneider	Schoeller	Shively	Shumake
Sifton	Silvey	Smith 150	Solon	Sommer
Stream	Swearingen	Swinger	Thomson	Torpey
Wallingford	Wells	Weter	White	Wieland
Wright	Wyatt	Zerr	Mr Speaker	

NOES: 029

Atkins	Carlson	Carter	Colona	Ellinger
Ellington	Holsman	Hummel	Kirkton	May
McCann Beatty	McCreery	McGeoghegan	McNeil	Montecillo
Morgan	Newman	Oxford	Pace	Pierson
Schupp	Smith 71	Spreng	Still	Talboy
Taylor	Walton Gray	Webb	Webber	

PRESENT: 000

ABSENT WITH LEAVE: 010

Asbury	Bernskoetter	Brown 50	Franklin	Hinson
Hughes	Jones 63	Lasater	Meadows	Scharnhorst

Representative Webber offered House Amendment No. 2.

House Amendment No. 2

AMEND Senate Committee Substitute for Senate Bill No. 715, Page 1, Section 41.050, Line 12, by adding all of said section and line the following:

“Section 1. 1. This section shall be known as “Clark’s Law.”

2. No public institution of higher education shall require a member of the national guard to take any test or assessment within twenty-four hours of such member returning from active duty or national guard training.”; and

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

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

On motion of Representative Day, **SCS SB 715, as amended**, was read the third time and passed by the following vote:

AYES: 153

Allen	Anders	Atkins	Aull	Bahr
Barnes	Bernskoetter	Berry	Black	Brandon
Brattin	Brown 85	Brown 116	Burlison	Carlson
Carter	Casey	Cauthorn	Cierpiot	Colona
Conway 14	Conway 27	Cookson	Cox	Crawford
Cross	Curtman	Davis	Day	Denison
Dieckhaus	Diehl	Dugger	Ellinger	Ellington
Elmer	Entlicher	Fallert	Fisher	Fitzwater
Flanigan	Fraker	Franklin	Franz	Frederick
Fuhr	Funderburk	Gatschenberger	Gosen	Grisamore
Guernsey	Haefner	Hampton	Harris	Higdon
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	Lauer	Leach
Leara	Lichtenegger	Loehner	Long	Marshall
May	McCaherty	McCann Beatty	McCreery	McDonald
McGeoghegan	McManus	McNary	McNeil	Molendorp
Montecillo	Morgan	Nance	Nasheed	Neth
Newman	Nichols	Nolte	Pace	Parkinson
Phillips	Pierson	Pollock	Quinn	Redmon
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	Spreng	Still
Stream	Swearingen	Swinger	Talboy	Thomson
Torpey	Wallingford	Walton Gray	Webb	Webber
Wells	Weter	White	Wieland	Wright
Wyatt	Zerr	Mr Speaker		

NOES: 000

PRESENT: 001

Oxford

ABSENT WITH LEAVE: 009

Asbury	Brown 50	Hinson	Hughes	Largent
Lasater	McGhee	Meadows	Taylor	

Speaker Pro Tem Schoeller declared the bill passed.

PERFECTION OF HOUSE BILL

HB 1357, relating to alternatives-to-abortion agencies, was taken up by Representative Gatschenberger.

Representative Smith (150) assumed the Chair.

On motion of Representative Gatschenberger, **HB 1357** was ordered perfected and printed.

SENATE CONCURRENT RESOLUTION

SCR 25, relating to Mississippi River flooding, was taken up by Representative Hampton.

On motion of Representative Hampton, **SCR 25** was adopted by the following vote:

AYES: 136

Allen	Anders	Atkins	Aull	Bahr
Barnes	Berry	Black	Brandom	Brattin
Brown 85	Brown 116	Burlison	Carlson	Carter
Casey	Cierpiot	Colona	Conway 14	Conway 27
Cookson	Cox	Cross	Curtman	Davis
Denison	Diehl	Ellinger	Ellington	Fallert
Fisher	Fitzwater	Flanigan	Fraker	Franz
Frederick	Funderburk	Gatschenberger	Gosen	Guernsey
Haefner	Hampton	Harris	Higdon	Hodges
Holsman	Hoskins	Hough	Houghton	Hubbard
Hummel	Johnson	Jones 63	Jones 89	Keeney
Kelley 126	Kelly 24	Kirkton	Klippenstein	Koenig
Korman	Kratky	Lair	Lampe	Lant
Lauer	Leach	Leara	Lichtenegger	Loehner
Long	Marshall	May	McCann Beatty	McCreery
McDonald	McGeoghegan	McGhee	McManus	McNary
McNeil	Molendorp	Montecillo	Morgan	Nance
Nasheed	Neth	Newman	Nichols	Nolte
Oxford	Pace	Parkinson	Phillips	Pierson
Pollock	Quinn	Redmon	Reiboldt	Richardson
Riddle	Rizzo	Ruzicka	Sater	Schad
Schieber	Schieffer	Schneider	Schoeller	Schupp
Shively	Shumake	Sifton	Silvey	Smith 71
Smith 150	Solon	Sommer	Spreng	Still
Stream	Swearingen	Swinger	Taylor	Thomson
Torpey	Wallingford	Walton Gray	Webb	Wells
Weter	White	Wieland	Wright	Zerr
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 027

Asbury	Bernskoetter	Brown 50	Cauthorn	Crawford
Day	Dieckhaus	Dugger	Elmer	Entlicher
Franklin	Fuhr	Grisamore	Hinson	Hughes
Jones 117	Kander	Largent	Lasater	McCaherty
Meadows	Rowland	Scharnhorst	Schatz	Talboy
Webber	Wyatt			

HOUSE RESOLUTION

HR 1880, relating to fish, wildlife and natural resources, was taken up by Representative Burlison.

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 090

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

NOES: 050

Anders	Atkins	Aull	Black	Carlson
Casey	Colona	Ellinger	Ellington	Fallert
Harris	Hodges	Holsman	Hummel	Jones 63
Kander	Kelly 24	Kirkton	Kratky	Lampe
May	McCann Beatty	McCreery	McDonald	McGeoghegan
McManus	McNeil	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

1634 *Journal of the House*

ABSENT WITH LEAVE: 023

Asbury	Bernskoetter	Brown 50	Carter	Cauthorn
Conway 27	Crawford	Day	Dieckhaus	Dugger
Entlicher	Franklin	Hinson	Hubbard	Hughes
Largent	Lasater	McNary	Meadows	Pollock
Rowland	Webb	Wells		

Speaker Pro Tem Schoeller resumed the Chair.

On motion of Representative Burlison, **HR 1880** was adopted by the following vote:

AYES: 140

Allen	Anders	Atkins	Aull	Bahr
Barnes	Berry	Black	Brandom	Brattin
Brown 85	Brown 116	Burlison	Carlson	Carter
Casey	Cierpiot	Colona	Conway 14	Cookson
Cross	Curtman	Davis	Denison	Dieckhaus
Diehl	Ellinger	Ellington	Elmer	Fallert
Fisher	Fitzwater	Flanigan	Fraker	Franz
Frederick	Fuhr	Funderburk	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hampton	Harris
Higdon	Hodges	Holsman	Hoskins	Hough
Houghton	Hummel	Johnson	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelley 126	Kelly 24
Kirkton	Klippenstein	Koenig	Korman	Kratky
Lair	Lampe	Lant	Lauer	Leach
Leara	Lichtenegger	Loehner	Long	Marshall
May	McCaherty	McCann Beatty	McCreery	McDonald
McGeoghegan	McGhee	McManus	McNeil	Molendorp
Montecillo	Morgan	Nance	Nasheed	Neth
Newman	Nichols	Nolte	Oxford	Pace
Parkinson	Phillips	Pierson	Quinn	Redmon
Reiboldt	Richardson	Riddle	Rizzo	Ruzicka
Sater	Scharnhorst	Schatz	Schieber	Schieffer
Schneider	Schoeller	Schupp	Shively	Shumake
Sifton	Silvey	Smith 71	Smith 150	Solon
Sommer	Spreng	Still	Stream	Swearingen
Swinger	Talboy	Taylor	Thomson	Torpey
Wallingford	Walton Gray	Webber	Weter	White
Wieland	Wright	Wyatt	Zerr	Mr Speaker

NOES: 002

Cox	Schad
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PRESENT: 000

ABSENT WITH LEAVE: 021

Asbury	Bernskoetter	Brown 50	Cauthorn	Conway 27
Crawford	Day	Dugger	Entlicher	Franklin
Hinson	Hubbard	Hughes	Largent	Lasater
McNary	Meadows	Pollock	Rowland	Webb
Wells				

THIRD READING OF SENATE BILL

HCS SCS SB 591, relating to state and local revenues, was taken up by Representative Franz.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 591, Page 10, Section 34.057, Line 152, by inserting after all of said section and line, the following:

“94.700. The following words, as used in sections 94.700 to 94.755, shall have the following meaning unless a different meaning clearly appears from the context:

(1) "City" shall mean any incorporated city, town, or village in the state of Missouri with a population of one hundred or more, but the term "city" does not include any city not within a county or any city of over four hundred thousand inhabitants wholly or partially within a first class county;

(2) "City transit authority" shall mean a commission or board created by city charter provision or by ordinance of a city, and which operates a public mass transportation system;

(3) "City utilities board" shall mean a board or commission created by city charter provision or by ordinance of a city, which controls and operates city-owned utilities including a public mass transportation system;

(4) "Director of revenue" shall mean the director of revenue of the state of Missouri;

(5) "Interstate transportation authority" shall mean any political subdivision created by compact between this state and another state, which is a body corporate and politic and a political subdivision of both contracting states, and which operates a public mass transportation system;

(6) "Interstate transportation district" shall mean that geographical area set forth and defined in the particular compact between this state and another state;

(7) "Person" shall mean an individual, corporation, partnership, or other entity;

(8) "Public mass transportation system" shall mean a transportation system or systems owned and operated by an interstate transportation authority, a municipality, a city transit authority, or a city utilities board, employing motor buses, rails or any other means of conveyance, by whatsoever type or power, operated for public use in the conveyance of persons, mainly providing local transportation service within an interstate transportation district or municipality;

(9) "Transportation purposes" shall mean financial support of a "public mass transportation system"; the construction, reconstruction, repair and maintenance of streets, roads, **sidewalks, trails, community-owned parking lots**, and bridges within a municipality; the construction, reconstruction, repair and maintenance of airports owned and operated by municipalities; the acquisition of lands and rights-of-way for streets, roads, **sidewalks, trails, community-owned parking lots**, bridges, and airports; and planning and feasibility studies for streets, roads, **sidewalks, trails, community-owned parking lots**, bridges, and airports. "Bridges" shall include bridges connecting a municipality with another municipality either within or without the state, with an unincorporated area of the state, or with another state or an unincorporated area thereof.”; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 591, Page 23, Section 287.745, Line 14, by inserting after said line the following:

“301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his or her possession whether in use or not, unless such possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty days. As used in this subsection, the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

2. In the case of a transfer of ownership the original owner may register another motor vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that originally registered. When such motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

3. License plates may be transferred from a motor vehicle which will no longer be operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay a transfer fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer fee of two dollars and a pro rata portion of the difference in fees. When the newly purchased vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be entitled to a refund.

4. [Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of thirty days after taking possession thereof, if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by section 301.130, number plates issued to the dealer. Upon application and presentation of proof of financial responsibility as required under subsection 5 of this section and satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars and fifty cents to be returned to the buyer upon return of the number plates as a guarantee that said buyer will return to the dealer such number plates within thirty days. The director shall issue a temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days of the date of purchase.

5.] The director of the department of revenue shall have authority to produce or allow others to produce a weather resistant, nontearing temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days from the date of purchase. The temporary permit [shall be made available by the director of revenue and] authorized under this section may be purchased by the purchaser of a motor vehicle or trailer from the central office of the department of revenue or from an authorized agent of the department of revenue upon proof of purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer and upon proof of financial responsibility, or from a motor vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer, or from a motor vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has registered and is awaiting receipt of registration plates. The director [shall] of the department of revenue or a producer authorized by the director of the department of revenue may make temporary permits available to registered dealers in this state [or], authorized agents of the department of revenue [in sets of ten permits] or the department of revenue. The [fee for the temporary permit shall be seven dollars and fifty cents for each permit or plate issued] price paid by a motor vehicle dealer, an authorized agent of the department of revenue or the department of revenue for a temporary permit shall not exceed five dollars for each permit. The director of the department of revenue shall direct motor vehicle dealers

and authorized agents to obtain temporary permits from an authorized producer. Amounts received by the director of the department of revenue for temporary permits shall constitute state revenue; however, amounts received by an authorized producer other than the director of the department of revenue shall not constitute state revenue and any amounts received by motor vehicle dealers or authorized agents for temporary permits purchased from a producer other than the director of the department of revenue shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers or other producers for their role in producing temporary permits as authorized under this section. Amounts that do not constitute state revenue under this section shall also not constitute fees for registration or certificates of title to be collected by the director of the department of revenue under section 301.190. No motor vehicle dealer [or], authorized agent or the department of revenue shall charge more than [seven dollars and fifty cents] **five dollars** for each permit issued. The permit shall be valid for a period of thirty days from the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a **motor vehicle** dealer for which the purchaser obtains a permit as set out above. No permit shall be issued for a vehicle under this section unless the buyer shows proof of financial responsibility. **Each temporary permit issued shall be securely fastened to the back or rear of the motor vehicle in a manner and place on the motor vehicle consistent with registration plates so that all parts and qualities of the temporary permit thereof shall be plainly and clearly visible, reasonably clean and are not impaired in any way.**

[6.] **5.** The permit shall be issued on a form prescribed by the director of the department of revenue and issued only for the applicant's [use in the] **temporary** operation of the motor vehicle or trailer purchased to enable the applicant to [legally] **temporarily** operate the **motor** vehicle while proper title and registration [plate] **plates** are being obtained, **or while awaiting receipt of registration plates**, and shall be displayed on no other **motor** vehicle. Temporary permits issued pursuant to this section shall not be transferable or renewable and shall not be valid upon issuance of proper registration plates for the motor vehicle or trailer. The director of the department of revenue shall determine the size [and], **material, design**, numbering configuration, construction, and color of the permit. **The director of the department of revenue, at his or her discretion, shall have the authority to reissue, and thereby extend the use of, a temporary permit previously and legally issued for a motor vehicle or trailer while proper title and registration are being obtained.**

[7. The dealer or authorized agent shall insert the date of issuance and expiration date, year, make, and manufacturer's number of vehicle on the permit when issued to the buyer. The dealer shall also insert such dealer's number on the permit.]

6. Every **motor vehicle** dealer that issues [a] temporary [permit] **permits** shall keep, for inspection [of] by proper officers, [a correct] **an accurate** record of each permit issued by recording the permit [or plate] number, **the motor vehicle dealer's number**, buyer's name and address, **the motor vehicle's** year, make, **and** manufacturer's vehicle identification number [on which the permit is to be used], and the **permit's** date of issuance **and expiration date**. **Upon the issuance of a temporary permit by either the central office of the department of revenue, a motor vehicle dealer or an authorized agent of the department of revenue, the director of the department of revenue shall make the information associated with the issued temporary permit immediately available to the law enforcement community of the state of Missouri.**

[8.] **7.** Upon the transfer of ownership of any currently registered motor vehicle wherein the owner cannot transfer the license plates due to a change of **motor** vehicle category, the owner may surrender the license plates issued to the motor vehicle and receive credit for any unused portion of the original registration fee against the registration fee of another motor vehicle. Such credit shall be granted based upon the date the license plates are surrendered. No refunds shall be made on the unused portion of any license plates surrendered for such credit.

8. The provisions of subsections 4, 5, and 6 of this section shall expire July 1, 2019.

9. The director of the department of revenue 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.”; and

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

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

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

House Amendment No. 3

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 591, Page 1, Section A, Line 7, by inserting after all of said section, the following:

“32.028. 1. There is hereby created a department of revenue in charge of a director appointed by the governor, by and with the advice and consent of the senate. The department shall collect all taxes and fees payable to the state as provided by law **and may collect, upon referral by a state agency, debts owed to any state agency subject to section 32.420.**

2. The powers, duties and functions of the department of revenue, chapter 32 and others, are transferred by type I transfer to the department of revenue. All powers, duties and function of the collector of revenue are transferred to the director of the department by type I transfer and the position of collector of revenue is abolished.

3. The powers, duties and functions of the state tax commission, chapter 138 and others, are transferred by type III transfer to the department of revenue.

4. All of the powers, duties and functions of the state tax commission relating to administration of the corporation franchise tax, chapter 152, and others, are transferred by type I transfer to the department of revenue; provided, however, that the provision of section 138.430 relating to appeals from decisions of the director of revenue shall apply to these taxes.

5. All the powers, duties and functions of the highway reciprocity commission, chapter 301, are transferred by type II transfer to the department of revenue.

32.058. For all years beginning after January 1, 2013, notwithstanding the certified mail provisions contained in chapters 32, 140, 142, 143, 144, 147, 148, 149, and 302, the director of revenue may choose to mail any document by first class mail only if at least one notice of deficiency or assessment is sent to the taxpayer via certified mail to the last known address.”; and

Further amend said bill, Page 2, Section 32.087, Line 33, by inserting after the words, “local sales tax law.” the following:

“The director shall retain one percent of the amount of any local sales or use tax collected for cost of collection.”; and

Further amend said bill, Page 5, section, Line 128, by inserting after all of said section, the following:

“32.088. 1. Beginning January 1, 2013, the possession of a statement from the department of revenue stating no tax, applicable to the business seeking to issue or renew its license, is due under chapters 142, 143, 144, 147, and 149, and that no fees are due under section 260.262 or 260.273, shall be a prerequisite to the issuance or renewal of any city or county occupation license or any state license required for conducting any business unless the owner is by law subject at least biennially to a state tax check for purposes of retaining a professional license under sections 168.071, 324.010 and 484.053. The statement of no tax due shall be dated no longer than ninety days before the date of submission for application or renewal of the city or county license.

2. Beginning January 1, 2013, in lieu of subsection 1 of this section, the director shall, as soon as practical thereafter, enter into an agreement with any state agency responsible for issuing any state license for conducting any business requiring the agency to provide the director of revenue with the name and Missouri tax identification number of each applicant for licensure within one month of the date the application is filed or at least one month prior to the anticipated renewal of a licensee's license. If such licensee is delinquent on any taxes under chapters 142, 143, 144, 147, and 149, or fees under section 260.262 or 260.273, the director shall then send notice to each such entity and licensee. In the case of such delinquency or failure to file, the licensee's license shall be suspended within ninety days after notice of such delinquency or failure to file, unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. The director of revenue shall, within ten business days of notification to the governmental entity issuing the license that the delinquency has been remedied or arrangements have been made to remedy such delinquency, send written notification to the licensee that the delinquency has been remedied. Tax liability paid in protest or reasonably founded disputes with such liability shall be considered paid for the purposes of this section.

32.383. 1. Notwithstanding the provisions of any other law to the contrary, with respect to taxes administered by the department of revenue and imposed in this chapter and chapters 143, 144, and 147, an amnesty from the assessment or payment of all penalties, additions to tax, and interest shall apply with respect to unpaid taxes or taxes due and owing reported and paid in full from August 1, 2012, to October 31, 2012, regardless of whether previously assessed, except for penalties, additions to tax, and interest paid before August 1, 2012. The amnesty shall apply only to state tax liabilities due or due but unpaid on or before December 31, 2011, and shall not extend to any taxpayer who at the time of payment is a party to any criminal investigations or to any civil or criminal litigation that is pending in any court of the United States or this state for nonpayment, delinquency, or fraud in relation to any state tax imposed by this state.

2. Upon written application by the taxpayer, on forms prescribed by the director of revenue, and upon compliance with the provisions of this section, the department of revenue shall not seek to collect any penalty, addition to tax, or interest that may be applicable. The department of revenue shall not seek civil or criminal prosecution for any taxpayer for the taxable period for which the amnesty has been granted unless subsequent investigation or audit shows that the taxpayer engaged in fraudulent or criminal conduct in applying for amnesty.

3. Amnesty shall be granted only to those taxpayers who have applied for amnesty within the period stated in this section, who have filed a tax return for each taxable period for which amnesty is requested, who have paid the entire balance due by October 31, 2012, and who agree to comply with state tax laws for the next eight years from the date of the agreement. No taxpayer shall be entitled to a waiver of any penalty, addition to tax, or interest under this section unless full payment of the tax due is made in accordance with rules established by the director of revenue.

4. All taxpayers granted amnesty under this section shall comply with this state's tax laws for the eight years following the date of the amnesty agreement. If any such taxpayer fails to comply with all of this state's tax laws at any time during the eight years following the date of the agreement, all penalties, additions to tax, and interest that were waived under the amnesty agreement shall become due and owing immediately.

5. If a taxpayer elects to participate in the amnesty program established in this section as evidenced by full payment of the tax due as established by the director of revenue, that election shall constitute an express and absolute relinquishment of all administrative and judicial rights of appeal. No tax payment received under this section shall be eligible for refund or credit.

6. Nothing in this section shall be interpreted to disallow the department of revenue to adjust a taxpayer's tax return as a result of any state or federal audit.

7. All tax payments received as a result of the amnesty program established in this section, other than revenues earmarked by the Constitution of Missouri or this state's statutes, shall be deposited in the state general revenue fund. The department must track all payments received and submit a report, no later than December 31, 2012, to the speaker of the house of representatives and the president pro tem in the senate.

8. The department may promulgate rules or issue administrative guidelines as are necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 1, 2012, shall be invalid and void.

9. This section shall become effective on July 1, 2012, and shall expire on December 31, 2015.

32.385. 1. The director of revenue and the commissioner of administration may jointly enter into a reciprocal collection and offset of indebtedness agreement with the federal government, under which the State will offset from state tax refunds and from payments otherwise due to vendors and contractors providing goods or services to state departments, agencies, or other state agencies non-tax debt owed to the federal government; and the federal government will offset from federal payments to vendors, contractors, and taxpayers debt owed to the state of Missouri.

2. When used in this section, the following words, terms, and phrases are defined as set forth herein:

(1) "Federal official", a unit or official of the federal government charged with the collection of nontax liabilities payable to the federal government under 31 U.S.C. Section 3716, as amended;

(2) "Nontax liability due the state", a liability certified to the director of revenue by a state agency and shall include, but shall not be limited to, fines, fees, penalties, and other nontax assessments imposed by or payable to any state agency that is finally determined to be due and owing;

(3) "Offset agreement", the agreement authorized by this section;

(4) "Person", an individual, partnership, society, association, joint stock company, corporation, public corporation, or any public authority, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity whether appointed by a court or otherwise, and any combination of the foregoing;

(5) "Refund", an amount described as a refund of tax under the provisions of the state tax law that authorized its payment;

(6) "State agency", any department, division, board, commission, office, or other agency of the state of Missouri;

(7) "Vendor payment", any payment, other than a refund, made by the state to any person or entity, and shall include but shall not be limited to any expense reimbursement to an employee of the state; but shall not include a person's salary, wages, or pension.

3. Under the offset agreement, a federal official may:

(1) Certify to the state of Missouri the existence of a person's delinquent nontax liability owed by the person to the federal government;

(2) Request that the state of Missouri withhold any refund and vendor payment to which the person is entitled;

(3) Certify and request the state of Missouri to withhold a refund or vendor payment only if the laws of the United States:

(a) Allow the state of Missouri to enter into a reciprocal agreement with the United States, under which the federal official would be authorized to offset federal payments to collect delinquent tax and nontax debts owed to the state; and

(b) Provide for the payment of the amount withheld to the state;

(4) Retain a portion of the proceeds of any collection setoff as provided under the setoff agreement.

4. Under the offset agreement, a certification by a federal official to the state of Missouri shall include:

(1) The full name of the person and any other names known to be used by the person;

(2) The Social Security number or federal tax identification number;

(3) The amount of the nontax liability; and

(4) A statement that the debt is past due and legally enforceable in the amount certified.

5. If a person for whom a certification is received from a federal official is due a refund of Missouri tax or a vendor payment, the agreement may provide that the state of Missouri shall:

(1) Withhold a refund or vendor payment that is due a person whose name has been certified by a federal official;

(2) In accordance with the provisions of the offset agreement, notify the person of the amount withheld in satisfaction of a liability certified by a federal official;

(3) Pay to the federal official the lesser of:

(a) The entire refund or vendor payment; or

(b) The amount certified; and

(4) Pay any refund or vendor payment in excess of the certified amount to the person.

6. Under the agreement, the director of revenue shall:

(1) Certify to a federal official the existence of a person's delinquent tax or nontax liability due the state owed by the person to any state agency;

(2) Request that the federal official withhold any eligible vendor payment to which the person is entitled; and

(3) Provide for the payment of the amount withheld to the state.

7. A certification by a state agency to the director of revenue and by the director of revenue to the federal official under the offset agreement shall include:

(1) The full name and address of the person and any other names known to be used by the person;

(2) The Social Security number or tax identification number;

(3) The amount of the tax or nontax liability;

(4) A statement that the debt is past due and legally enforceable in the amount certified; and

(5) Any other information required by federal statute or regulation applicable to the collection of the debt by offset of federal payments.

8. Any other provisions of law to the contrary notwithstanding, the director of revenue and the commissioner of administration shall have the authority to enter into reciprocal agreements with any other state which extends a like comity to this state to set off offset from state tax refunds and from payments otherwise due

to vendors and contractors providing goods or services to state departments, agencies, or other state agencies nontax debt for debts due the other state that extends a like comity to this state.

32.410. As used in sections 32.410 to 32.460, the following terms shall mean:

(1) "Debt", an amount owed to the state directly or through a state agency, on account of a fee, duty, lease, direct loan, loan insured or guaranteed by the state, rent, service, sale of real or personal property, overpayment, fine, assessment, penalty, restitution, damages, interest, tax, bail bond, forfeiture, reimbursement, liability owed, an assignment, recovery of costs incurred by the state, or any other source of indebtedness to the state;

(2) "Debtor", an individual, a corporation, a partnership, an unincorporated association, a limited liability company, a trust, an estate, or any other public or private entity, including a state, local, or federal government, or an Indian tribe, that is liable for a debt or against whom there is a claim for a debt;

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

(4) "State agency", any division, board, commission, office, or other agency of the state of Missouri, including public community college districts and any state or municipal court.

32.420. 1. Notwithstanding any other provision of law to the contrary, all state agencies may refer to the department for collection debts owed to them. The department may provide collection services on debts referred to the department by a state agency. This authority shall not supersede the authority granted to the attorney general under section 27.060 or any other statute.

2. A referring agency may refer the debt to the department for collection at any time after a debt becomes delinquent and uncontested and the debtor shall have no further administrative appeal of the amount of the debt. Methods and procedures for referral shall be governed by an agreement between the referring agency and the department.

3. The collection procedures and remedies under this chapter are in addition to any other procedure or remedy available by law. If the state agency's applicable state or federal law requires the use of a particular remedy or procedure for the collection of a debt, that particular remedy or procedure shall govern the collection of that debt to the extent the procedure or remedy is inconsistent with this chapter.

4. The state agency shall send notice to the debtor by United States mail at the debtor's last known address at least twenty days before the debt is referred to the department. The notice shall state the nature and amount of the debt, identify to whom the debt is owed, and inform the debtor of the remedies available under this chapter or the state agency's own procedures.

32.430. 1. Except as otherwise provided in this section, the department shall have the authority to use all general remedies afforded creditors of this state in collection of debt as well as any remedies afforded the state agency referring the debt and to the state in general as a creditor. The department shall not have authority to prosecute or defend civil actions on behalf of any other state agency, except as necessary to defend any challenges made to actions under section 140.910 or 143.902 for a debt referred by a state agency or to prosecute an action under subsection 10 of section 140.910.

2. In addition to the remedies identified in sections 32.410 to 32.460, the department may use the collection remedies afforded under sections 140.910 and 143.902 in the collection of any state debt referred to the department.

3. The department may employ department staff and attorneys, and at the department's discretion, prosecuting attorneys and private collection agencies as authorized in sections 136.150 and 140.850 in seeking collection of debts referred to the department by a state agency.

32.440. 1. The department shall add to the amount of debt referred to the department by a state agency the cost of collection which shall be ten percent of the total debt referred by the state agency. The department shall have the same authority to collect the cost of collection as the department has in collecting the debt referred by the state agency.

2. The cost of collection shall only be waived when:

(1) Within thirty days after the initial notice to the debtor by the department, the debtor establishes to the department reasonable cause for the failure to pay the debt prior to referral of the debt to the department, enters into an agreement satisfactory to the department to pay the debt in full, and fully abides by the terms of that agreement;

(2) A good faith dispute as to the legitimacy or the amount of the debt exists, and payment is remitted or an agreement satisfactory to the department to pay the debt in full is entered into within thirty days after resolution of the dispute, and the debtor fully abides by the terms of that agreement; or

(3) Collection costs have been added by the state agency and are included in the amount of the referred debt.

3. If the department collects an amount less than the total due, the payment shall be applied proportionally to collection costs and the underlying debt unless the department has waived this requirement for certain categories of debt. Collection costs collected by the department under this section shall be deposited in the general revenue fund.

32.450. The department may compromise state debt referred to the department in accordance with section 32.378 and any agreement with the referring agency.

32.460. The department and state agencies, including the judiciary, may exchange such information, including the debtor's Social Security number, as is necessary for the successful collection of the state debt referred. The referring agency shall follow all applicable federal and state laws regarding the confidentiality of information and records regarding the debtor. The confidentiality laws applicable to the particular information received and retained by each agency shall apply to the employees of such state agency and to the department when such information has been forwarded to the department.”; and

Further amend said bill, Page 10, Section 34.057, Line 152, by inserting after all of said section, the following:

“105.716. 1. Any investigation, defense, negotiation, or compromise of any claim covered by sections 105.711 to 105.726 shall be conducted by the attorney general; provided, that in the case of any claim against the department of conservation, the department of transportation or a public institution which awards baccalaureate degrees, or any officer or employee of such department or such institution, any investigation, defense, negotiation, or compromise of any claim covered by sections 105.711 to 105.726 shall be conducted by legal counsel provided by the respective entity against which the claim is made or which employs the person against whom the claim is made.

In the case of any payment from the state legal expense fund based upon a claim or judgment against the department of conservation, the department of transportation or any officer or employee thereof, the department so affected shall immediately transfer to the state legal expense fund from the department funds a sum equal to the amount expended from the state legal expense fund on its behalf.

2. All persons and entities protected by the state legal expense fund shall cooperate with the attorneys conducting any investigation and preparing any defense under the provisions of sections 105.711 to 105.726 by assisting such attorneys in all respects, including the making of settlements, the securing and giving of evidence, and the attending and obtaining witness to attend hearings and trials. Funds in the state legal expense fund shall not be used to pay claims and judgments against those persons and entities who do not cooperate as required by this subsection.

3. The provisions of sections 105.711 to 105.726 notwithstanding, the attorney general may investigate, defend, negotiate, or compromise any claim covered by sections 105.711 to 105.726 against any public institution which awards baccalaureate degrees whose governing body has declared a state of financial exigency.

4. Notwithstanding the provisions of subsection 2 of section 105.711, funds in the state legal expense fund may be expended prior to the payment of any claim or any final judgment to pay costs of defense, including reasonable attorney's fees for retention of legal counsel, when the attorney general determines that a conflict exists or particular expertise is required, and also to pay for related legal expenses including medical examination fees, expert witness fees, court reporter expenses, travel costs and ancillary legal expenses incurred prior to the payment of a claim or any final judgment.

5. Notwithstanding any other provision of law to the contrary, except for payments of less than ten thousand dollars for property damage, no funds shall be expended from the state legal expense fund for settlement of any liability claim except upon the production of a no tax due statement from the department of revenue by the party making claim or having judgment under section 105.711, which shall be satisfied from such fund. If the party is found by the director of revenue to owe a delinquent tax debt to the state of Missouri under the revenue laws of this state, after the payment of attorney's fees and expenses associated with liability of the fund to the party, any remaining funds to be paid to the party from the state legal expense fund shall be offset to satisfy such tax debt before payment is made to the party making claim or having judgment.”; and

Further amend said bill, Page 18, Section 137.115, Line 173, by inserting after all of said section, the following:

“144.190. 1. If a tax has been incorrectly computed by reason of a clerical error or mistake on the part of the director of revenue, such fact shall be set forth in the records of the director of revenue, and the amount of the overpayment shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.525, and the balance shall be refunded to the person legally obligated to remit the tax, such person's administrators or executors, as provided for in section 144.200.

2. If any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.525, and the balance, with interest as determined by section 32.065, shall be refunded to the person legally obligated to remit the tax, but no such credit or refund shall be allowed unless duplicate copies of a claim for refund are filed within three years from date of overpayment. **If a taxpayer applying for a refund under the provisions of this section submits a written request for the director to hold a refund claim unprocessed pending the outcome of legal proceedings on the same or similar grounds or transactions, and agrees that the taxpayer's claim will be bound by the outcome of such legal proceeding should the outcome of such proceeding be adverse to the taxpayer's position, the director shall hold such refund claim unprocessed pending the outcome of such legal proceedings on the same or similar grounds or transactions. Notwithstanding any provision of section 32.069 to the contrary, interest shall not accrue on any refund for the time period such refund claim is held at the request of the taxpayer applying for a refund under the provisions of this subsection. If the seller did not file a return with the director for the period for which the refund is claimed and remit payment as shown on the return, the director shall not issue the refund to the purchaser.**

3. Every claim for refund must be in writing and signed by the applicant, and must state the specific grounds upon which the claim is founded. Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered in any action brought by the director of revenue against the person legally obligated to remit the tax. In the event that a tax has been illegally imposed against a person legally obligated to remit the tax, the director of revenue shall authorize the cancellation of the tax upon the director's record.

4. **Notwithstanding the provisions of section 32.057, a purchaser that originally paid sales or use tax to a vendor or seller may submit a refund claim directly to the director of revenue for such sales or use taxes paid to such vendor or seller and remitted to the director, provided no sum shall be refunded more than once, any such claim shall be subject to any offset, defense, or other claim the director otherwise would have against either the purchaser or vendor or seller, and such claim for refund is accompanied by either:**

(1) **A notarized assignment of rights statement by the vendor or seller to the purchaser allowing the purchaser to seek the refund on behalf of the vendor or seller. An assignment of rights statement shall contain the Missouri sales or use tax registration number of the vendor or seller, a list of the transactions covered by the assignment, the tax periods and location for which the original sale was reported to the director of revenue by the vendor or seller, and a notarized statement signed by the vendor or seller affirming that the vendor or seller has not received a refund or credit, will not apply for a refund or credit of the tax collected on any transactions covered by the assignment, and authorizes the director to amend the seller's return to reflect the refund; or**

(2) **In the event the vendor or seller fails or refuses to provide an assignment of rights statement within sixty days from the date of such purchaser's written request to the vendor or seller, or the purchaser is not able to locate the vendor or seller or the vendor or seller is no longer in business, the purchaser may provide the director a notarized statement confirming the efforts that have been made to obtain an assignment of rights from the vendor or seller. Such statement shall contain a list of the transactions covered by the assignment, the tax periods and location for which the original sale was reported to the director of revenue by the vendor or seller.**

The director shall not require such vendor, seller, or purchaser to submit amended returns for refund claims submitted under the provisions of this subsection. Notwithstanding the provisions of section 32.057, if the seller is registered with the director for collection and remittance of sales tax, the director shall notify the seller at the seller's last known address of the claim for refund. If the seller objects to the refund within thirty days of the date of the notice, the director shall not pay the refund. If the seller agrees that the refund is warranted or fails to respond within thirty days, the director may issue the refund and amend the seller's return to reflect the refund. For purposes of section 32.069, the refund claim shall not be considered to have been filed until the seller agrees that the refund is warranted or thirty days after the date the director notified the seller and the seller failed to respond.

5. **Notwithstanding the provisions of section 32.057, when a vendor files a refund claim on behalf of a purchaser and such refund claim is denied by the director, notice of such denial and the reason for the denial shall**

be sent by the director to the vendor and each purchaser whose name and address is submitted with the refund claim form filed by the vendor. A purchaser shall be entitled to appeal the denial of the refund claim within sixty days of the date such notice of denial is mailed by the director as provided in section 144.261. The provisions of this subsection shall apply to all refund claims filed after August 28, 2012. The provisions of this subsection allowing a purchaser to appeal the director's decision to deny a refund claim shall also apply to any refund claim denied by the director on or after January 1, 2007, if an appeal of the denial of the refund claim is filed by the purchaser no later than September 28, 2012, and if such claim is based solely on the issue of the exemption of the electronic transmission or delivery of computer software.

6. Notwithstanding the provisions of this section, the director of revenue shall authorize direct-pay agreements to purchasers which have annual purchases in excess of seven hundred fifty thousand dollars pursuant to rules and regulations adopted by the director of revenue. For the purposes of such direct-pay agreements, the taxes authorized pursuant to chapters 66, 67, 70, 92, 94, 162, 190, 238, 321, and 644 shall be remitted based upon the location of the place of business of the purchaser.

[5.] 7. Special rules applicable to error corrections requested by customers of mobile telecommunications service are as follows:

(1) For purposes of this subsection, the terms "customer", "home service provider", "place of primary use", "electronic database", and "enhanced zip code" shall have the same meanings as defined in the Mobile Telecommunications Sourcing Act incorporated by reference in section 144.013;

(2) Notwithstanding the provisions of this section, if a customer of mobile telecommunications services believes that the amount of tax, the assignment of place of primary use or the taxing jurisdiction included on a billing is erroneous, the customer shall notify the home service provider, in writing, within three years from the date of the billing statement. The customer shall include in such written notification the street address for the customer's place of primary use, the account name and number for which the customer seeks a correction of the tax assignment, a description of the error asserted by the customer and any other information the home service provider reasonably requires to process the request;

(3) Within sixty days of receiving the customer's notice, the home service provider shall review its records and the electronic database or enhanced zip code to determine the customer's correct taxing jurisdiction. If the home service provider determines that the review shows that the amount of tax, assignment of place of primary use or taxing jurisdiction is in error, the home service provider shall correct the error and, at its election, either refund or credit the amount of tax erroneously collected to the customer for a period of up to three years from the last day of the home service provider's sixty-day review period. If the home service provider determines that the review shows that the amount of tax, the assignment of place of primary use or the taxing jurisdiction is correct, the home service provider shall provide a written explanation of its determination to the customer.

[6.] 8. For all refund claims submitted to the department of revenue on or after September 1, 2003, notwithstanding any provision of this section to the contrary, if a person legally obligated to remit the tax levied pursuant to sections 144.010 to 144.525 has received a refund of such taxes for a specific issue and submits a subsequent claim for refund of such taxes on the same issue for a tax period beginning on or after the date the original refund check issued to such person, no refund shall be allowed. This subsection shall not apply and a refund shall be allowed if an additional refund claim is filed due to any of the following:

- (1) Receipt of additional information or an exemption certificate from the purchaser of the item at issue;
- (2) A decision of a court of competent jurisdiction or the administrative hearing commission; or
- (3) Changes in regulations or policy by the department of revenue.

[7.] 9. Notwithstanding any provision of law to the contrary, the director of revenue shall respond to a request for a binding letter ruling filed in accordance with section 536.021 within sixty days of receipt of such request. If the director of revenue fails to respond to such letter ruling request within sixty days of receipt by the director, the director of revenue shall be barred from pursuing collection of any assessment of sales or use tax with respect to the issue which is the subject of the letter ruling request. For purposes of this subsection, the term "letter ruling" means a written interpretation of law by the director to a specific set of facts provided by a specific taxpayer or his or her agent.

[8.] 10. If any tax was paid more than once, was incorrectly collected, or was incorrectly computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.510, against any deficiency or tax due discovered through an audit of the person by the department of revenue through adjustment during the same tax filing period for which the audit applied.”; and

Further amend said bill, Page 40, Section 643.079, Line 102, by inserting after all of said section, the following:

“Section B. Because immediate action is necessary to secure adequate state revenue, the enactment of section 32.383 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 32.383 of this act shall be in full force and effect upon its passage and approval.”; and

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

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

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

House Amendment No. 4

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 591, Page 24, Section 321.228, Line 26, by inserting after the word “**construction**” on said line, the following:

“**. Nothing in this subdivision shall be construed to require the political subdivision supplying water to incur any costs to modify its water supply infrastructure**”; and

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

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

Representative Jones (117) offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 591, Page 2, Section 32.087, Lines 25 and 26, by deleting all of said lines from the substitute and inserting in lieu thereof:

“**and outboard motors if they are required to be registered with the department of revenue.** The rate of the tax”; and

Further amend said substitute, Page 18, Section 137.115, Line 173, by inserting immediately after said section the following:

“**144.069. All sales of motor vehicles, trailers, boats, and outboard motors shall be deemed to be consummated at the address of the owner thereof on the date of registration with the department of revenue, and all leases of over sixty-day duration of motor vehicles, trailers, boats and outboard motors subject to sales taxes under this chapter shall be deemed to be consummated unless the vehicle, trailer, boat or motor has been registered and sales taxes have been paid prior to the consummation of the lease agreement at the address of the lessee thereof on the date the lease is consummated, and all applicable sales taxes levied by any political subdivision shall be collected on such sales by the department of revenue on that basis and such sales whether within the boundaries of the state or outside the boundaries of the state shall be deemed consummated at the address of the owner thereof.**

144.072. In repealing sections 32.087, 144.010, 144.069, and 144.757, an enacting five new sections in lieu thereof, it is the intent of the legislature to reject and abrogate that portion of the holding in *Craig A. Street v. Director of Revenue*, Mo. SC91371 (Mo. banc Jan. 31, 2012), interpreting local sales taxes to be inapplicable to out-of-state purchases of motor vehicles, trailers, boats and outboard motors. The legislature hereby declares its reasonable expectations and intent in enacting the taxing statutes for motor vehicles, trailers, boats and outboard motors sales is and has been that all such sales, regardless of the location of the seller, are deemed to

be consummated and take place when the motor vehicles, trailers, boats and outboard motors is registered with the department of revenue, and restores, retroactively and prospectively, the application of Missouri's local sales tax law so that local sales taxes shall continue to be imposed and collected on the sale of all motor vehicles, trailers, boats and outboard motors, regardless of where the motor vehicles, trailers, boats and outboard motors was purchased, upon registration with the department of revenue. This act is remedial and retroactive, and applies to all transactions involving motor vehicles, trailers, boats and outboard motors to the maximum extent permissible by law, but shall not apply to any taxpayer having received a final adjudication of non-taxability if such application would violate the state constitution.”; and

Further amend said substitute, Page 18, Section 144.757, Lines 19-22, by deleting all of said lines from the substitute and inserting in lieu thereof the following:

“state, unless such purchases are not deemed to be consummated at the residence of the purchaser under subdivision (2) of subsection 12 of section 32.087 and therefore subject to the local sales taxes levied by the appropriate political subdivisions under subsection 5 of section 32.087.”; and

Further amend said substitute, Page 40, Section 643.079, Line 102, by inserting immediately after said line the following:

“Section 1. The provisions of sections 32.087, 144.010, 144.069, and 144.757, RSMo, are so essentially and inseparably connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgment of the merits that is not subject to appeal and that declares any provision or part of said sections unconstitutional or unenforceable, then sections 32.087, 144.010, 144.069, and 144.757, RSMo in their entirety are invalid and shall have no legal effect as of the date of such judgment. In such event, all affected parties shall have the same rights as existed before the enactment of said sections, but shall not be entitled to reimbursement, or required to pay reimbursement, for any sums paid in the good faith belief in the validity and constitutionality of this bill.”; and

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

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

*House Amendment No. 1
to
House Amendment No. 5*

AMEND House Amendment No. 5 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 591, Page 2, Line 26, by inserting after all of said line the following:

“Further amend said bill, Pages 22-23, Section 287.160, Lines 1-41, by deleting all of said section and lines; and

Further amend said bill, Pages 24-26, Section 408.040, Lines 1-42, by deleting all of said section and lines; and

Further amend said bill, Pages 26-28, Section 409.5-509, Lines 1-104, by deleting all of said section and lines; and

Further amend said bill, Pages 29-30, Section 409.6-604, Lines 1-60, by deleting all of said section and lines”; and

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

On motion of Representative Barnes, **House Amendment No. 1 to House Amendment No. 5** was adopted.

On motion of Representative Jones (117), **House Amendment No. 5, as amended**, was adopted.

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 091

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

NOES: 049

Anders	Atkins	Aull	Black	Carlson
Carter	Casey	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	Montecillo
Morgan	Nasheed	Newman	Nichols	Oxford
Pace	Pierson	Quinn	Rizzo	Schieffer
Schupp	Sifton	Smith 71	Spreng	Still
Swinger	Talboy	Taylor	Webber	

PRESENT: 000

ABSENT WITH LEAVE: 023

Bernskoetter	Brown 50	Cauthorn	Colona	Day
Elmer	Entlicher	Franklin	Hinson	Hughes
Largent	Lasater	McGhee	McNary	Meadows
Nance	Schneider	Shively	Swearingen	Walton Gray
Webb	Wyatt	Mr Speaker		

On motion of Representative Franz, **HCS SCS SB 591, as amended**, was adopted.

On motion of Representative Franz, **HCS SCS SB 591, as amended**, was read the third time and passed by the following vote:

AYES: 122

Anders	Aull	Bahr	Barnes	Berry
Black	Brandom	Brown 85	Brown 116	Carlson
Carter	Casey	Cierpiot	Colona	Conway 14
Conway 27	Cookson	Cox	Crawford	Cross
Davis	Denison	Dieckhaus	Diehl	Ellinger
Fallert	Fisher	Fitzwater	Flanigan	Fraker
Franklin	Frederick	Funderburk	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hampton	Harris
Hodges	Holsman	Hoskins	Hough	Houghton
Hubbard	Hummel	Johnson	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelley 126	Kelly 24
Kirkton	Klippenstein	Korman	Kratky	Lair
Lampe	Lant	Lauer	Leara	Lichtenegger
Loehner	Long	May	McCaherty	McCann Beatty
McCreery	McDonald	McGeoghegan	McManus	McNeil
Molendorp	Montecillo	Morgan	Nance	Nasheed
Neth	Newman	Nichols	Nolte	Parkinson
Phillips	Pierson	Quinn	Redmon	Reiboldt
Richardson	Riddle	Rizzo	Rowland	Ruzicka
Sater	Scharnhorst	Schatz	Schieffer	Schupp
Shively	Shumake	Sifton	Silvey	Smith 71
Solon	Sommer	Spreng	Still	Stream
Swinger	Talboy	Taylor	Thomson	Torpey
Wallingford	Walton Gray	Webber	Weter	White
Wright	Zerr			

NOES: 021

Asbury	Atkins	Brattin	Burlison	Curtman
Dugger	Ellington	Fuhr	Higdon	Koenig
Leach	Marshall	Oxford	Pace	Pollock
Schad	Schieber	Schoeller	Smith 150	Wells
Wieland				

PRESENT: 000

ABSENT WITH LEAVE: 020

Allen	Bernskoetter	Brown 50	Cauthorn	Day
Elmer	Entlicher	Franz	Hinson	Hughes
Largent	Lasater	McGhee	McNary	Meadows
Schneider	Swearingen	Webb	Wyatt	Mr Speaker

Speaker Pro Tem Schoeller declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 128

Allen	Anders	Atkins	Aull	Bahr
Barnes	Berry	Black	Brandom	Brattin
Brown 85	Brown 116	Carlson	Carter	Casey
Cierpiot	Colona	Conway 14	Conway 27	Cookson
Cox	Crawford	Cross	Curtman	Davis
Denison	Dieckhaus	Diehl	Ellinger	Fallert
Fisher	Fitzwater	Flanigan	Fraker	Franklin
Frederick	Fuhr	Funderburk	Gatschenberger	Gosen
Guernsey	Haefner	Hampton	Harris	Higdon
Hodges	Holsman	Hoskins	Hough	Houghton
Hubbard	Johnson	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelley 126	Kelly 24	Kirkton
Klippenstein	Koenig	Korman	Kratky	Lair
Lampe	Lant	Lauer	Leara	Lichtenegger
Loehner	Long	McCaherty	McCann Beatty	McCreery
McDonald	McGeoghegan	McManus	McNeil	Molendorp
Montecillo	Morgan	Nance	Nasheed	Newman
Nichols	Nolte	Oxford	Parkinson	Phillips
Pierson	Quinn	Redmon	Reiboldt	Richardson
Riddle	Rizzo	Rowland	Ruzicka	Sater
Scharnhorst	Schatz	Schieffer	Schupp	Shively
Shumake	Sifton	Silvey	Smith 71	Solon
Sommer	Spreng	Still	Stream	Swinger
Talboy	Taylor	Thomson	Torpey	Wallingford
Walton Gray	Webb	Webber	Weter	White
Wieland	Wright	Zerr		

NOES: 015

Asbury	Burlison	Dugger	Ellington	Franz
Leach	Marshall	May	Pace	Pollock
Schad	Schieber	Schoeller	Smith 150	Wells

PRESENT: 000

ABSENT WITH LEAVE: 020

Bernskoetter	Brown 50	Cauthorn	Day	Elmer
Entlicher	Grisamore	Hinson	Hughes	Hummel
Largent	Lasater	McGhee	McNary	Meadows
Neth	Schneider	Swearingen	Wyatt	Mr Speaker

On motion of Representative Jones (89), the House recessed until 8:00 p.m.

EVENING SESSION

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

COMMITTEE REPORTS

Committee on Retirement, Chairman Leara reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **SCS SB 625**, 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 Tourism and Natural Resources, Chairman Ruzicka reporting:

Mr. Speaker: Your Committee on Tourism and Natural Resources, to which was referred **SB 760**, 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 Workforce Development and Workplace Safety, Chairman Fisher reporting:

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **HB 1240**, 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 Rules, Chairman Diehl reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 655**, begs leave to report it has examined the same and recommends that it **Do Pass**.

The following member's presence was noted: Lasater.

ADJOURNMENT

On motion of Representative Brown (85), the House adjourned until 10:00 a.m., Wednesday, May 9, 2012.

COMMITTEE MEETINGS

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Wednesday, May 9, 2012, 8:00 AM House Hearing Room 3.

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

Continued discussion of DHSS, DMH, & DSS policies and procedures

CONFERENCE COMMITTEE

Wednesday, May 9, 2012, 8:30 AM House Lounge.

Executive session will be held: SS SCS HCS HB 2002, SS SCS HCS HB 2003,

SS SCS HCS HB 2004, SS SCS HCS HB 2005, SS SCS HCS HB 2006, SS SCS HCS HB 2007,

SS SCS HCS HB 2008, SS SCS HCS HB 2009, SS SCS HCS HB 2010, SS SCS HCS HB 2011,

SS SCS HCS HB 2012, SS SCS HCS HB 2013

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

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, May 9, 2012, 8:00 AM House Hearing Room 6.

Public hearing will be held: SS SCS SB 677

Executive session will be held: SS SCS SB 677

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

FISCAL REVIEW

Wednesday, May 9, 2012, 9:00 AM South Gallery.

Public hearing will be held: HCS SCS SB 673, HCS SCS SB 631, HCS SCS SB 563,

HCS#2 SCS SB 480, SCS SB 789

Executive session will be held: HCS SCS SB 673, HCS SCS SB 631, HCS SCS SB 563,

HCS#2 SCS SB 480, SCS SB 789

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

AMENDED

FISCAL REVIEW

Thursday, May 10, 2012, 9:00 AM South Gallery.

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

GENERAL LAWS

Thursday, May 10, 2012, 9:00 AM House Hearing Room 4.

Public hearing will be held: SCS SB 835

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

HEALTH INSURANCE

Wednesday, May 9, 2012, Upon Morning Recess House Hearing Room 3.

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

JOINT COMMITTEE ON EDUCATION

Tuesday, May 15, 2012, 9:00 AM House Hearing Room 6.

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

Election of Chairman and Vice-Chairman

LOCAL GOVERNMENT

Wednesday, May 9, 2012, 8:00 AM House Hearing Room 7.

Executive session will be held: HCS SCS SB 729

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

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

Wednesday, May 9, 2012, 5:30 PM South Gallery.

Executive session will be held: HCR 55, HCR 57, HCS HJR 64, SS SCS SBs 489 & 637,

SS SCS SB 576, SS SCS SB 633, HCS SS SCS SB 682, HCS SCS SB 711, HCS SB 739,

HCS SCS SBs 767, 653, 754, 705, 441, 528, 831, 833 & 847, SCS SB 788, SCR 24, SCS SJR 51

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

WAYS AND MEANS

Wednesday, May 9, 2012, 6:30 PM or Upon Evening Adjournment, whichever is later, Domenico's Restaurant & Lounge.

CORRECTED

HOUSE CALENDAR

SEVENTIETH DAY, WEDNESDAY, MAY 9, 2012

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HCS HJR 89 - Schoeller

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1198, as amended - Fisher
- 2 HCS HB 1275 - Koenig
- 3 HB 1718, (2 hours debate on Perfection) - Scharnhorst
- 4 HCS HB 1210, as amended - Gatschenberger
- 5 HCS HB 1795 - Ruzicka
- 6 HB 1966 - Burlison
- 7 HB 1779 - Flanigan
- 8 HCS HB 1794 - Grisamore
- 9 HCS HB 1754 - Cox
- 10 HCS HB 1815 - Pollock
- 11 HB 1842 - Lant
- 12 HCS HB 1935 - Franz
- 13 HB 2063, as amended - Denison
- 14 HCS HB 2100 - Denison
- 15 HCS HB 1709 - Hough
- 16 HCS#2 HB 1358 - Gatschenberger
- 17 HCS HB 1397 - Gatschenberger
- 18 HCS HBs 1542 & 1101 - Koenig
- 19 HCS#2 HB 1213 - Franklin
- 20 HCS HB 1846 - Long

- 21 HCS HB 1585 - Cross
- 22 HCS HB 1971 - Schneider
- 23 HB 1690 - May
- 24 HB 1728 - Johnson
- 25 HB 1790 - Torpey
- 26 HCS HB 1970 - Jones (117)
- 27 HB 1144 - Gatschenberger
- 28 HB 1394 - Brandom
- 29 HB 1456 - Black
- 30 HCS HB 1609 - Nasheed
- 31 HCS HB 1612 - Burlison
- 32 HB 2038 - Wallingford

HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HCS HB 1328 - Cox
- 2 HCS HB 1922 - Molendorp
- 3 HCS HBs 1076 & 1302 - Wyatt

HOUSE JOINT RESOLUTIONS FOR THIRD READING

HCS HJR 61 - Loehner

HOUSE BILLS FOR THIRD READING

- 1 HCS HBs 1298 & 1180 - Parkinson
- 2 HB 1066 - McGhee

HOUSE BILLS FOR THIRD READING - INFORMAL

- 1 HB 1277 - Long
- 2 HB 1431 - Hoskins

SENATE BILLS FOR THIRD READING

- 1 SCS SB 566 - Jones (117)
- 2 HCS SB 578 - Cox
- 3 SS SCS SB 699 - Fuhr
- 4 HCS SS SCS SB 469 - Smith (150)
- 5 HCS SS SCS SB 595, E.C. - Torpey
- 6 HCS SB 620 - Gosen
- 7 HCS SB 628 - Kelly (24)
- 8 HCS SCS SB 635 - Phillips
- 9 HCS SB 636 - Diehl
- 10 SS SB 665 - Asbury
- 11 HCS SCS SB 726 - Wells
- 12 SS SCS SB 689 - Schad

1654 *Journal of the House*

- 13 SS SB 607 - Burlison
- 14 HCS#2 SCS SB 480, (Fiscal Review 5/7/12) - Riddle
- 15 HCS SCS SB 485 - Kelly (24)
- 16 HCS SCS SB 563, (Fiscal Review 5/7/12), E.C. - Leach
- 17 SB 599 - Dieckhaus
- 18 HCS SCS SB 631, (Fiscal Review 5/7/12) - Reiboldt
- 19 HCS SCS SB 673, (Fiscal Review 5/7/12) - Day
- 20 SCS SB 789, (Fiscal Review 5/7/12) - Cox
- 21 HCS SB 813 - Brandom
- 22 HCS SCS SB 856 - Barnes

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SS HCS HB 1106, as amended - Dugger
- 2 HB 1188, SCA 1 - Allen
- 3 SCS HCS HB 1495 - Nance
- 4 SCS HB 1112 - Gosen
- 5 SCS HCS HB 1042, as amended - Thomson
- 6 SS SCS HCS HB 1400, E.C. - Richardson
- 7 HB 1250, with SA 1 & SA 2 - Ruzicka
- 8 SS SCS HB1807, HB1093, HB1107, HB1156, HB1221, HB1261, HB 1269, HB 1641,
HB 1668, HB 1737, HB 1782, HB 1868 & HB 1878, as amended - Marshall
- 9 SS HB 1128 - Largent
- 10 HB 1103, with SA 1 & SA 2 - Crawford
- 11 SCS HB 1460 - Jones (117)

BILLS CARRYING REQUEST MESSAGES

- 1 SB 736, with HA1 (request House recede/grant conference), E.C. - Gatschenberger
- 2 SS SCS HB 1073 and HCS HB 1477, as amended, (request Senate recede/grant conference)
- Sater
- 3 SCS HB 1135, as amended, (request Senate recede/grant conference) - Smith (150)

BILLS IN CONFERENCE

- 1 CCR HCS SB 568, as amended, E.C. - Franz
- 2 SS SCS HCS HB 2002 - Silvey
- 3 SS SCS HCS HB 2003 - Silvey
- 4 SS SCS HCS HB 2004 - Silvey
- 5 SS SCS HCS HB 2005 - Silvey
- 6 SS SCS HCS HB 2006, as amended - Silvey
- 7 SS SCS HCS HB 2007 - Silvey
- 8 SS SCS HCS HB 2008 - Silvey
- 9 SS SCS HCS HB 2009 - Silvey
- 10 SS SCS HCS HB 2010 - Silvey
- 11 SS SCS HCS HB 2011, as amended - Silvey
- 12 SS SCS HCS HB 2012 - Silvey

- 13 SS SCS HCS HB 2013 - Silvey
- 14 SB 564, HA 1, HA 2, as amended, HA 3, HA 4, HA 6 & HA 8 - Davis
- 15 SB 611, with HA 1, HA 2, HA 3, HA 4, HA 5, HA 6, HA 7 & HA 8 - Stream
- 16 SS SCS SB 719, with HA 1, HA 2, HA 3, as amended, HA 4, HA 5 & HA 6, E.C. -
Brown (116)
- 17 HCS SCS SB 569, as amended - Dugger

SENATE CONCURRENT RESOLUTIONS

- 1 SS SCR 16 - Asbury
- 2 SCS SCR 17 - Diehl

HOUSE BILLS VETOED FROM SECOND REGULAR SESSION

HB 1219 - Elmer

SENATE BILLS VETOED FROM SECOND REGULAR SESSION

SS SCS SB 572 - Richardson