

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FORTY-NINTH DAY, WEDNESDAY, APRIL 10, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Trust ye in the Lord forever; for in the Lord God is everlasting strength. (Isaiah 26:4)

O Lord everlasting, we humbly beseech You that we may always prove ourselves a people mindful of Your favor and glad to do Your will. Bless our state, our people and our leaders, that under the guidance of Your wise and good spirit we may not grow weary in working nor wavering in worship.

Save us from violence and confusion, from pride and prejudice, and from every evil way. Fashion us into one people, united in purpose and spirit, faithful to You and fruitful in all good works as we seek the welfare of all. Endow with wisdom and charity these representatives of Missouri that there may be justice at home and peace in our state. In the time of prosperity fill our hearts with gratitude and in the day of trouble let not our trust in them fail.

And the House says "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Haquan Perkins, Stacy Spencer and Breanna Davison.

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

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1429 through House Resolution No. 1451

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 30**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 114**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 218**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 443**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Representative Keeney assumed the Chair.

PERFECTION OF HOUSE BILLS

HCS HB 468, relating to public safety, was taken up by Representative Higdon.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 468, Page 13, Section 544.157, Line 42, by inserting immediately after said line the following:

- "566.093. 1. A person commits the crime of sexual misconduct in the second degree if such person:
- (1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm;
 - (2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or
 - (3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.
2. Sexual misconduct in the second degree is a class B misdemeanor unless the actor has previously been convicted of an offense under this chapter, in which case it is a class A misdemeanor.
- 3. If such crime is committed by a person while incarcerated within a facility in the department of corrections system, it is a class D felony and shall impose a fine of at least one hundred dollars.";** and

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

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

Representative Jones (50) offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 468, Page 16, Section 575.133, Line 7, by inserting after all of said line the following:

- "610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:
- (1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however,

in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public.

As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;

(4) The state militia or National Guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

(16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;

(18) Operational guidelines [and], policies **and specific response plans** developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. [Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2012] **Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public**

governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

(a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

(b) When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;

[(d) This exception shall sunset on December 31, 2012;]

(20) The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property;

(21) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open;

[(21)] **(22)** Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body; and

[(22)] **(23)** Records submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal to license intellectual property or perform sponsored research and which contains sales projections or other business plan information the disclosure of which may endanger the competitiveness of a business."; and

Further amend said bill, Page 23, Section 650.350, Line 54, by inserting after all of said line the following:

"Section B. Because immediate action is necessary to protect sensitive public records relating to public agency plans to prevent and respond to possible terrorist incidents and to protect security system plans for certain critical public and private buildings and facilities, the repeal and reenactment of section 610.021 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 610.021 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 Jones (50), **House Amendment No. 2** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Rehder	Reiboldt	Remole	Rhoads	Richardson
Ross	Rowden	Rowland	Schatz	Schieber
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr				

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 008

Grisamore	Guernsey	Leara	Molendorp	Redmon
Riddle	Scharnhorst	Mr Speaker		

VACANCIES: 002

On motion of Representative Higdon, **HCS HB 468, as amended**, was adopted.

On motion of Representative Higdon, **HCS HB 468, as amended**, was ordered perfected and printed.

HCS HBs 374 & 434, relating to the transfer of judicial positions, was taken up by Representative Elmer.

On motion of Representative Elmer, **HCS HBs 374 & 434** was adopted.

On motion of Representative Elmer, **HCS HBs 374 & 434** was ordered perfected and printed.

HCS HBs 373 & 435, relating to judicial circuits, was taken up by Representative Elmer.

On motion of Representative Elmer, **HCS HBs 373 & 435** was adopted.

On motion of Representative Elmer, **HCS HBs 373 & 435** was ordered perfected and printed.

HB 322, relating to motor vehicle insurance policies, was taken up by Representative Gosen.

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

House Amendment No. 1

AMEND House Bill No. 322, Page 2, Section 303.024, Line 34, by inserting after the word "duties." the following:

"The evidence of financial responsibility may be provided using a mobile electronic device."; and

Further amend said bill, Page 2, Section 303.024, Line 42, by inserting after the word "**card**." the following:

"Whenever a person presents a mobile electronic device as proof of financial responsibility to any peace officer, commercial vehicle enforcement officer, or commercial vehicle inspector under this section, such person shall assume all liability for any damage to the mobile electronic device except for damage willfully or maliciously caused by a law enforcement officer or a department of revenue employee or agent."; and

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

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

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

House Amendment No. 2

AMEND House Bill No. 322, Page 3, Section 303.029, Lines 1 to 22, by removing all of said section and lines from the bill and inserting in lieu thereof the following:

"379.013. 1. Insurance policy forms and endorsements for classes of insurance described in subdivisions 1, 2, 3, and 5 of subsection 1 of section 379.010 issued or renewed in this state, or covering risks in this state, which do not contain personally identifiable information, may be made available electronically on the insurer's website in lieu of mailing or delivering a copy of policy forms and endorsements to an insured.

2. If the insurer elects to make such insurance policy forms and endorsements available electronically on the insurer's website in lieu of mailing or delivering a paper copy to the insured, it shall comply with all the following conditions with respect to such policy forms and endorsements:

(1) The policy forms and endorsements issued or sold in this state shall be easily and publicly accessible on the insurer's website and remain that way for as long as the policy form or endorsement is in force or actively sold in this state;

(2) The insurer shall retain and store the policy forms and endorsements after they are withdrawn from use or replaced with other policy forms and endorsements for a period of five years and make them available to insureds and former insureds upon request and at no cost;

(3) The policy forms and endorsements shall be available on the insurer's website in an electronic format that enables the insured to print and save the policy forms and endorsements using programs or applications that are widely available on the internet and free to use;

(4) At policy issuance and renewal, the insurer shall provide clear and conspicuous notice to the insured, in the manner it customarily communicates with an insured, that it does not intend to mail or deliver a paper copy of the policy forms or endorsements. The notice shall provide instructions on how the insured may access the policy forms and endorsements on the insurer's website. The insurer shall also notify the insured of the right to obtain a paper copy of the policy forms and endorsements at no cost and provide either a toll-free telephone number or the telephone number of the insured's producer by which the insured can make this request;

(5) At policy renewal, the insurer shall provide clear and conspicuous notice to the insured, in the manner it customarily communicates with an insured, of any changes which have been made to the policy forms or endorsements since the prior coverage period. Such notice shall be made in accordance with the requirements of subdivision (4) of this subsection; and

(6) On each declarations page, or similar coverage summary document, issued to an insured, the insurer shall clearly identify the exact policy forms and endorsements purchased by the insured, so that the insured may easily access those forms on the insurer's website.

3. The director may promulgate any rules necessary to implement and effectuate the provisions of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated under the provisions of section 536.024."; and

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

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

On motion of Representative Gosen, **HB 322, as amended**, was ordered perfected and printed.

HCS HB 345, relating to the Uniform Wireless Communications Infrastructure Deployment Act, was taken up by Representative Cierpiot.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 345, Page 1, Section A, Line 3, by inserting after all of said line the following:

"67.1830. As used in sections 67.1830 to 67.1846, the following terms shall mean:

- (1) "Abandoned equipment or facilities", any equipment materials, apparatuses, devices or facilities that are:
 - (a) Declared abandoned by the owner of such equipment or facilities;
 - (b) No longer in active use, physically disconnected from a portion of the operating facility or any other facility that is in use or in service, and no longer capable of being used for the same or similar purpose for which the equipment, apparatuses or facilities were installed; or
 - (c) No longer in active use and the owner of such equipment or facilities fails to respond within thirty days to a written notice sent by a political subdivision;
- (2) "Degradation", the actual or deemed reduction in the useful life of the public right-of-way resulting from the cutting, excavation or restoration of the public right-of-way;
- (3) "Emergency", includes but is not limited to the following:

- (a) An unexpected or unplanned outage, cut, rupture, leak or any other failure of a public utility facility that prevents or significantly jeopardizes the ability of a public utility to provide service to customers;
- (b) An unexpected or unplanned outage, cut, rupture, leak or any other failure of a public utility facility that results or could result in danger to the public or a material delay or hindrance to the provision of service to the public if the outage, cut, rupture, leak or any other such failure of public utility facilities is not immediately repaired, controlled, stabilized or rectified; or
- (c) Any occurrence involving a public utility facility that a reasonable person could conclude under the circumstances that immediate and undelayed action by the public utility is necessary and warranted;
- (4) "Excavation", any act by which earth, asphalt, concrete, sand, gravel, rock or any other material in or on the ground is cut into, dug, uncovered, removed, or otherwise displaced, by means of any tools, equipment or explosives, except that the following shall not be deemed excavation:
 - (a) Any de minimis displacement or movement of ground caused by pedestrian or vehicular traffic;
 - (b) The replacement of utility poles and related equipment at the existing general location that does not involve either a street or sidewalk cut; or
 - (c) Any other activity which does not disturb or displace surface conditions of the earth, asphalt, concrete, sand, gravel, rock or any other material in or on the ground;
- (5) "Management costs" or "rights-of-way management costs", the actual costs a political subdivision reasonably incurs in managing its public rights-of-way, including such costs, if incurred, as those associated with the following:
 - (a) Issuing, processing and verifying right-of-way permit applications;
 - (b) Inspecting job sites and restoration projects;
 - (c) Protecting or moving public utility right-of-way user construction equipment after reasonable notification to the public utility right-of-way user during public right-of-way work;
 - (d) Determining the adequacy of public right-of-way restoration;
 - (e) Restoring work inadequately performed after providing notice and the opportunity to correct the work; and
 - (f) Revoking right-of-way permits.

Right-of-way management costs shall be the same for all entities doing similar work. Management costs or rights-of-way management costs shall not include payment by a public utility right-of-way user for the use or rent of the public right-of-way, degradation of the public right-of-way or any costs as outlined in paragraphs (a) to (h) of this subdivision which are incurred by the political subdivision as a result of use by users other than public utilities, the **attorneys' fees** and cost of litigation relating to the interpretation of this section or section 67.1832, or litigation, interpretation or development of any ordinance enacted pursuant to this section or section 67.1832, **or attorneys' fees and costs in connection with issuing, processing, or verifying right-of-way permit or other applications or agreements**, or the political subdivision's fees and costs related to appeals taken pursuant to section 67.1838. In granting or renewing a franchise for a cable television system, a political subdivision may impose a franchise fee and other terms and conditions permitted by federal law;

- (6) "Managing the public right-of-way", the actions a political subdivision takes, through reasonable exercise of its police powers, to impose rights, duties and obligations on all users of the right-of-way, including the political subdivision, in a reasonable, competitively neutral and nondiscriminatory and uniform manner, reflecting the distinct engineering, construction, operation, maintenance and public work and safety requirements applicable to the various users of the public right-of-way, provided that such rights, duties and obligations shall not conflict with any federal law or regulation. In managing the public right-of-way, a political subdivision may:
 - (a) Require construction performance bonds or insurance coverage or demonstration of self-insurance at the option of the political subdivision or if the public utility right-of-way user has twenty-five million dollars in net assets and does not have a history of permitting noncompliance within the political subdivision as defined by the political subdivision, then the public utility right-of-way user shall not be required to provide such bonds or insurance;
 - (b) Establish coordination and timing requirements that do not impose a barrier to entry;
 - (c) Require public utility right-of-way users to submit, for right-of-way projects commenced after August 28, 2001, requiring excavation within the public right-of-way, whether initiated by a political subdivision or any public utility right-of-way user, project data in the form maintained by the user and in a reasonable time after receipt of the request based on the amount of data requested;
 - (d) Establish right-of-way permitting requirements for street excavation;
 - (e) Establish removal requirements for abandoned equipment or facilities, if the existence of such facilities prevents or significantly impairs right-of-way use, repair, excavation or construction;

- (f) Establish permitting requirements for towers and other structures or equipment for wireless communications facilities in the public right-of-way, notwithstanding the provisions of section 67.1832;
- (g) Establish standards for street restoration in order to lessen the impact of degradation to the public right-of-way; and
- (h) Impose permit conditions to protect public safety;
- (7) "Political subdivision", a city, town, village, county of the first classification or county of the second classification;
- (8) "Public right-of-way", the area on, below or above a public roadway, highway, street or alleyway in which the political subdivision has an ownership interest, but not including:
 - (a) The airwaves above a public right-of-way with regard to cellular or other nonwire telecommunications or broadcast service;
 - (b) Easements obtained by utilities or private easements in platted subdivisions or tracts;
 - (c) Railroad rights-of-way and ground utilized or acquired for railroad facilities; or
 - (d) [Poles,] Pipes, cables, conduits, wires, optical cables, or other means of transmission, collection or exchange of communications, information, substances, data, or electronic or electrical current or impulses utilized by a municipally owned or operated utility pursuant to chapter 91 or pursuant to a charter form of government;
- (9) "Public utility", every cable television service provider, every pipeline corporation, gas corporation, electrical corporation, rural electric cooperative, telecommunications company, water corporation, heating or refrigerating corporation or sewer corporation under the jurisdiction of the public service commission; every municipally owned or operated utility pursuant to chapter 91 or pursuant to a charter form of government or cooperatively owned or operated utility pursuant to chapter 394; every street light maintenance district; every privately owned utility; and every other entity, regardless of its form of organization or governance, whether for profit or not, which in providing a public utility type of service for members of the general public, utilizes pipes, cables, conduits, wires, optical cables, or other means of transmission, collection or exchange of communications, information, substances, data, or electronic or electrical current or impulses, in the collection, exchange or dissemination of its product or services through the public rights-of-way;
- (10) "Public utility right-of-way user", a public utility owning or controlling a facility in the public right-of-way; and
- (11) "Right-of-way permit", a permit issued by a political subdivision authorizing the performance of excavation work in a public right-of-way.

67.1836. 1. A political subdivision may deny an application for a right-of-way permit if:

- (1) The public utility right-of-way user fails to provide all the necessary information requested by the political subdivision for managing the public right-of-way;
- (2) The public utility right-of-way user has failed to return the public right-of-way to its previous condition under a previous permit;
- (3) The political subdivision has provided the public utility right-of-way user with a reasonable, competitively neutral, and nondiscriminatory justification for requiring an alternative method for performing the work identified in the permit application or a reasonable alternative route that will result in neither additional installation expense up to ten percent to the public utility right-of-way user nor a declination of service quality;
- (4) The political subdivision determines that the denial is necessary to protect the public health and safety, provided that the authority of the political subdivision does not extend to those items under the jurisdiction of the public service commission, such denial shall not interfere with a public utility's right of eminent domain of private property, and such denials shall only be imposed on a competitively neutral and nondiscriminatory basis; or
- (5) The area is environmentally sensitive as defined by state statute or federal law or is a historic district as defined by local ordinance.

2. A political subdivision may, after reasonable notice and an opportunity to cure, revoke a right-of-way permit granted to a public utility right-of-way user, with or without fee refund, and/or impose a penalty as established by the political subdivision until the breach is cured, but only in the event of a substantial breach of the terms and material conditions of the permit. A substantial breach by a permittee includes but is not limited to:

- (1) A material violation of a provision of the right-of-way permit;
- (2) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the political subdivision or its citizens;
- (3) A material misrepresentation of fact in the right-of-way permit application;
- (4) A failure to complete work by the date specified in the right-of-way permit, unless a permit extension is obtained or unless the failure to complete the work is due to reasons beyond the permittee's control; and

(5) A failure to correct, within the time specified by the political subdivision, work that does not conform to applicable national safety codes, industry construction standards, or local safety codes that are no more stringent than national safety codes, upon inspection and notification by the political subdivision of the faulty condition.

3. Any political subdivision that requires public utility right-of-way users to obtain a right-of-way permit, except in an emergency, prior to performing excavation work within a public right-of-way shall promptly, but not longer than thirty-one days, process all completed permit applications. **If a political subdivision fails to act on an application for a right-of-way permit within thirty-one days, the application shall be deemed approved.** In order to avoid excessive processing and accounting costs to either the political subdivision or the public utility right-of-way user, the political subdivision may establish procedures for bulk processing of permits and periodic payment of permit fees.

67.1838. [1.] A public utility right-of-way user that has been denied a right-of-way permit, has had its right-of-way permit revoked, believes that the fees imposed on the public right-of-way user by the political subdivision do not conform to the requirements of section 67.1840, **believes the political subdivision has violated any provision of sections 67.1830 to 67.1848**, or asserts any other issues related to the use of the public right-of-way, [shall have, upon written request, such denials, revocations, fee impositions, or other disputes reviewed by the governing body of the political subdivision or an entity assigned by the governing body for this purpose. The governing body of the political subdivision or its delegated entity shall specify, in its permit processing schedules, the maximum number of days by which the review request shall be filed in order to be reviewed by the governing body of the political subdivision or its delegated entity. A decision affirming the denial, revocation, fee imposition or dispute resolution shall be in writing and supported by written findings establishing the reasonableness of the decision.

2. Upon affirmation by the governing body of the denial, revocation, fee imposition or dispute resolution, the public utility right-of-way user may, in addition to all other remedies and if both parties agree, have the right to have the matter resolved by mediation or binding arbitration. Binding arbitration shall be before an arbitrator agreed to by both the political subdivision and the public utility right-of-way user. The costs and fees of a single arbitrator shall be borne equally by the political subdivision and the public utility right-of-way user.

3. If the parties cannot agree on an arbitrator, the matter shall be resolved by a three-person arbitration panel consisting of one arbitrator selected by the political subdivision, one arbitrator selected by the public utility right-of-way user, and one person selected by the other two arbitrators. In the event that a three-person arbitrator panel is necessary, each party shall bear the expense of its own arbitrator and shall jointly and equally bear with the other party the expense of the third arbitrator and of the arbitration.

4. Each party to the arbitration shall pay its own costs, disbursements and attorney fees] **may bring an action for review in any court of competent jurisdiction. The court shall rule on any such petition for review within forty-five days of service. The petition for review shall be deemed granted if the court fails to rule within the forty-five-day time period.**

67.1842. 1. In managing the public right-of-way and in imposing fees pursuant to sections 67.1830 to 67.1846, no political subdivision shall:

(1) Unlawfully discriminate among public utility right-of-way users;

(2) Grant a preference to any public utility right-of-way user;

(3) Create or erect any unreasonable requirement for entry to the public right-of-way by public utility right-of-way users;

(4) Require a telecommunications company to obtain a franchise or require a public utility right-of-way user to pay for the use of the public right-of-way, except as provided in sections 67.1830 to 67.1846; [or]

(5) Enter into a contract or any other agreement for providing for an exclusive use, occupancy or access to any public right-of-way; **or**

(6) Require any public utility that has legally been granted access to the political subdivision's right-of-way prior to August 28, 2001, to enter into an agreement or obtain a permit for general access to or the right to remain in the right-of-way of the political subdivision.

2. A public utility right-of-way user shall not be required to apply for or obtain right-of-way permits for projects commenced prior to August 28, 2001, requiring excavation within the public right-of-way, for which the user has obtained the required consent of the political subdivision, or that are otherwise lawfully occupying or performing work within the public right-of-way. The public utility right-of-way user may be required to obtain right-of-way permits prior to any excavation work performed within the public right-of-way after August 28, 2001.

3. A political subdivision shall not collect a fee imposed pursuant to section 67.1840 through the provision of in-kind services by a public utility right-of-way user, nor require the provision of in-kind services as a condition of consent to use the political subdivision's public right-of-way; however, nothing in this subsection shall preclude requiring

services of a cable television operator, open video system provider or other video programming provider as permitted by federal law."; and

Further amend said bill, Page 2, Section 67.5092, Line 17, by inserting after the word "**law**" the words "**and acting in its capacity**"; and

Further amend said bill, Page 2, Section 67.5092, Line 18, by deleting the words "**wireless facilities and wireless support structures**" and inserting in lieu thereof the words "**zoning or building permit review of an application**"; and

Further amend said bill, Page 2, Section 67.5092, Line 42, by inserting after the word "**codes**," the words "**National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability, and engineering**"; and

Further amend said bill, Page 3, Section 67.5092, Line 65, by inserting after the word "**county**," the words "**municipality acting in its capacity as a utility, municipal utility board**"; and

Further amend said bill, Page 3, Section 67.5092, Line 66, by inserting after the word "**electric**," the words "**natural gas, water, waste water**"; and

Further amend said bill, Page 3, Section 67.5092, Line 67, by inserting after the word "**telecommunications**" the words "**or internet protocol-related**"; and

Further amend said bill, Page 3, Section 67.5092, Lines 74 to 80, by deleting all of said lines and inserting in lieu thereof the following:

"(17) "Wireless facility", the set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to, antennas, accessory equipment, transmitters, receivers, power supplies, cabling and associated equipment necessary to provide wireless communications services;

(18) "Wireless support structure", a structure, such as a monopole, tower, or building capable of supporting wireless facilities. This definition does not include utility poles."; and

Further amend said bill, Page 4, Section 67.5094, Line 17, by deleting "**FCC's**" and inserting in lieu thereof "**Federal Communication Commission's**"; and

Further amend said bill, Page 5, Section 67.5094, Line 56, by deleting the word "**unreasonable**"; and

Further amend said bill, Page 5, Section 67.5094, Line 59, by inserting after the word "**facilities**" the words "**if such regulations or obligations are unreasonable**"; and

Further amend said bill, Page 6, Section 67.5096, Line 3, by deleting the words "**this act**" and inserting in lieu thereof "**sections 67.5090 to 67.5104**"; and

Further amend said bill, Page 6, Section 67.5096, Line 4, by deleting the word "**hereof**"; and

Further amend said bill, Page 6, Section 67.5096, Line 7, by deleting the words "**this act**" and inserting in lieu thereof "**sections 67.5090 to 67.5104**"; and

Further amend said bill, Page 6, Section 67.5096, Line 9, by deleting all of said line and inserting in lieu thereof the following:

"appropriate authority. Each application shall include a copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application; and"; and

Further amend said bill, Page 6, Section 67.5096, Lines 13 and 14, by deleting all of said lines and inserting in lieu thereof the following:

"including but not limited to documents and electronic data, shall be subject to chapter 610."; and

Further amend said bill, Page 6, Section 67.5096, Line 15, by deleting the words "one hundred fifty" and inserting in lieu thereof the word "ninety"; and

Further amend said bill, Page 6, Section 67.5096, Line 25, by deleting the words "one hundred fifty" and inserting in lieu thereof the word "ninety"; and

Further amend said bill, Page 6, Section 67.5096, Line 27, by deleting the words "one hundred fifty" and inserting in lieu thereof the word "ninety"; and

Further amend said bill, Page 6, Section 67.5096, Line 32, by deleting the words "one hundred fifty" and inserting in lieu thereof the word "ninety"; and

Further amend said bill, Page 7, Section 67.5098, Lines 3 and 4, by deleting all of said lines and inserting in lieu thereof the following:

"substantial modifications of wireless support structures, subject to the provisions of sections 67.5090 to 67.5104, including without limitation section 67.5094, and subject to federal law."; and

Further amend said bill, Page 7, Section 67.5098, Line 9, by deleting all of said line and inserting in lieu thereof the following:

"appropriate authority. Each application shall include a copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application; and"; and

Further amend said bill, Page 7, Section 67.5098, Lines 13 and 14, by deleting all of said lines and inserting in lieu thereof the following:

"including but not limited to documents and electronic data, shall be subject to chapter 610."; and

Further amend said bill, Page 8, Section 67.5100, Line 1, by deleting the words "this act," and inserting in lieu thereof "sections 67.5090 to 67.5104, including section 67.5094,"; and

Further amend said bill, Page 8, Section 67.5100, Line 3, by inserting after the word "requirements," the words "National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability, and engineering,"; and

Further amend said bill, Page 8, Section 67.5100, Line 7, by inserting after the word "application" the words "or application for replacement of wireless facilities"; and

Further amend said bill, Page 8, Section 67.5100, Line 10, by deleting the words "this act" and inserting in lieu thereof "sections 67.5090 to 67.5104"; and

Further amend said bill, Page 8, Section 67.5100, Line 13, by inserting after the word "complete." the following:

"Each collocation application or application to replace wireless facilities shall include a copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application."; and

Further amend said bill, Page 8, Section 67.5100, Line 22, by deleting the word "facilities" and inserting in lieu thereof the word "facilities"; and

Further amend said bill, Page 8, Section 67.5100, Line 27, by deleting all of said line and inserting in lieu thereof the following:

"4. Except as provided in section 67.5104, the provisions of sections 67.5090 to 67.5104 shall not:"; and

Further amend said bill, Page 8, Section 67.5100, Line 28, by deleting "(a)" and inserting in lieu thereof "(1)"; and

Further amend said bill, Page 8, Section 67.5100, Line 30, by deleting all of said line and inserting in lieu thereof the following:

"wireless facility on new, existing, or replacement poles owned or operated by a utility;"; and

Further amend said bill, Page 8, Section 67.5100, Line 31, by deleting all of said line and inserting in lieu thereof the following:

"(2) Expand the power of an authority to regulate any utility; or

(3) Restrict any utility's rights or authority, or negate any utility's agreement, regarding requested access to, or the rates and terms applicable to placement of any wireless facility on new, existing, or replacement poles, structures, or existing structures owned or operated by a utility."; and

Further amend said bill, Page 9, Section 67.5102, Line 5, by deleting all of said line and inserting in lieu thereof the following:

"wireless support structures, or collocations if such moratorium exceeds six months in length and if the legislative act establishing it fails to state reasonable grounds and good cause for such moratorium. No such moratorium shall affect an already pending application;"; and

Further amend said bill, Page 9, Section 67.5102, Line 14, by inserting after the word "appraisers" the words "licensed under chapter 339"; and

Further amend said bill, Page 9, Section 67.5102, Line 22, by deleting the words "one hundred fifty" and inserting in lieu thereof the word "ninety"; and

Further amend said bill, Page 9, Section 67.5102, Line 31, by deleting "." and inserting in lieu thereof ";" and

Further amend said bill, Page 9, Section 67.5102, Line 35, by inserting after all of said line the following:

"67.5103. Notwithstanding any provision of sections 67.5090 to 67.5102, nothing herein shall provide any applicant the power of eminent domain or the right to compel any private or public property owner, or the department of conservation or department of natural resources to:

(1) Lease or sell property for the construction of a new wireless support structure; or

(2) Locate or cause the collocation of a wireless facility on any existing structure or wireless support structure."; and

Further amend said bill, Page 9, Section 67.5104, Lines 1 to 3, by deleting all of said lines and inserting in lieu thereof the following:

"67.5104. Any pole attachment rates, terms, and conditions, including those related to the granting or denial of access, demanded by a municipal utility pole owner or controlling authority of a municipality shall be nondiscriminatory, just and reasonable and shall not be subject to any required franchise authority or government entity permitting. An annual pole attachment rental rate shall be calculated on a per pole basis and shall be considered just and reasonable"; and

Further amend said bill, Page 10, Section 67.5104, Line 6, by deleting the word "any" and inserting in lieu thereof the word "an"; and

Further amend said bill, Page 10, Section 67.5104, Line 7, by deleting all of said line and inserting in lieu thereof the following:

"provider, or by a telecommunications, wireless communications or other communications-related service provider or municipal utility pole owner, to a pole. A service provider may seek review of any rate, term, or"; and

Further amend said bill, Page 10, Section 67.5104, Line 8, by deleting the word "**district**" and inserting in lieu thereof the word "**circuit**"; and

Further amend said bill, Page 10, Section 67.5104, Line 8, by inserting after the word "**court**" the following:

"if that entity believes the rates, terms, and conditions are not fair, just, and reasonable"; and

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

Representative Kelly (45) offered **House Amendment No. 1 to House Amendment No. 1.**

House Amendment No. 1
to
House Amendment No. 1

AMEND House Amendment No. 1 to House Committee Substitute for House Bill No. 345, Page 6, Line 38, by inserting after all of said line the following:

‘Further amend said bill, Page 3, Line 50, by inserting after the word: "**which**" on said line the following: "**as applied to the structure as it was originally constructed**"; and’; and

Further amend said amendment, Page 9, Lines 39 and 40, by deleting all of said lines and inserting in lieu thereof the following:

‘Further amend said bill, Page 9, Section 67.5102, Line 31, by deleting "." and inserting in lieu thereof the phrase: "**unless the applicant agrees to accept a lease or contract of less than fifteen years in duration**"; and’; and

Further amend said amendment, Page 10, Section 67.5103, Line 7, by inserting after the word: "**collocation**" on said line the following:

"or expansion"; and

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

On motion of Representative Kelly (45), **House Amendment No. 1 to House Amendment No. 1** was adopted.

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

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McGaugh	Messenger	Miller
Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Schieber
Shull	Shumake	Smith 120	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Dunn	Ellinger	Ellington	English
Englund	Frame	Gardner	Harris	Hodges
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 011

Conway 10	Curtis	Davis	Fitzwater	Hubbard
Jones 50	McCaherty	Redmon	Scharnhorst	Schatz
Schieffer				

VACANCIES: 002

On motion of Representative Cierpiot, **HCS HB 345, as amended**, was adopted.

On motion of Representative Cierpiot, **HCS HB 345, as amended**, was ordered perfected and printed.

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

AFTERNOON SESSION

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

PERFECTION OF HOUSE BILL

HCS#2 HB 178, relating to local ballot proposals, was taken up by Representative Koenig.

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

House Amendment No. 1

AMEND House Committee Substitute No. 2 for House Bill No. 178, Page 1, Section 67.005, Line 18, by inserting after said line the following:

“67.312. 1. Notwithstanding any law to the contrary, in any county with a charter form of government and with more than three hundred thousand but with fewer than four hundred fifty thousand inhabitants, if any water supply district contracts with a for profit management company focusing on contract management and operations, the water supply district shall not charge or collect from its customers any increase in rates, charges, or fees, including but not limited to water rates, testing fees, inspection fees, administrative fees, service charges, minimum bill charges, flat rate charges, customer charges, billing charges, attendance fees, primacy fees, and user fees without a majority vote of the qualified voters of the water supply district voting thereon on any public election day in August or November. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the question shall not be resubmitted under this section sooner than twelve months from the date of the last submission opposed by voters. Any actual charges or fees by a state or local governmental entity not associated in any way with the water supply district may be passed on to their customers without a vote.

2. In any county with a charter form of government and with more than three hundred thousand but with fewer than four hundred fifty thousand inhabitants, if any water supply district does not actually process or treat sewage or wastewater but pays another governmental entity for providing such service, the water supply district shall not charge and collect from its customers a premium, fee, tax, assessment, or other charge however denominated more than the rate it actually pays to such other entity without a majority vote of the qualified voters of the water supply district voting thereon on any public election day in August or November. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the question shall not be resubmitted under this section sooner than twelve months from the date of the last submission opposed by voters.”; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute No. 2 for House Bill No. 178, Page 1, Section 67.005, Line 18, by inserting after said line the following:

"115.131. 1. Notwithstanding the provisions of section 115.515 or any other provision to the contrary, in the event there is a tie vote between two candidates in a primary election for a county office, each candidate who failed to win the election as a result of the tie shall be permitted to place his or her name on the ballot at the general election. However, his or her name shall appear on the ballot with no political party designation.

2. If any candidate eligible to place his or her name on the ballot at the general election under subsection 1 of this section declines to do so, the remaining candidate shall be declared to have won the primary election and may appear on the general election ballot as the candidate for the political party in which the primary was held.

3. No votes for a write-in candidate shall be allowed at a general election held in accordance with subsection 1 of this section unless only one candidate's name is on the ballot, in which case that candidate is to be designated as a candidate for the political party in which he or she ran in the primary and write-in candidate votes shall be allowed.

4. The provisions of this section shall apply only in the case of an uncontested general election in which the candidates who tie during a political party primary are the only candidates eligible to run for the county office because that all other political party or independent candidates have not met the requisite filing requirements to run for such office.

5. If a general election is contested as a result of this section, any tie vote in a political party primary shall be resolved under section 115.515 prior to the general election."; and

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

Representative Crawford assumed the Chair.

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

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

House Amendment No. 3

AMEND House Committee Substitute No. 2 for House Bill No. 178, Page 1, Section 67.005, Lines 2 to 4, by deleting all of said lines and inserting in lieu thereof the following:

"August 28, 2013, in the event that any proposal by any political subdivision to enact any tax for any purpose in the political subdivision is submitted to and"; and

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

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

AYES: 082

Anderson	Bahr	Berry	Black	Brattin
Burlison	Burns	Cierpiot	Conway 104	Cornejo
Crawford	Cross	Davis	Diehl	Dugger
Elmer	Engler	English	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Gannon
Gosen	Guernsey	Haefner	Hansen	Hough
Hurst	Keeney	Kirkton	Koenig	Kolkmeier
Kratky	Lair	Lant	Lichtenegger	Love
Lynch	Marshall	McGaugh	McNeil	Meredith
Messenger	Miller	Mitten	Muntzel	Neely
Neth	Nichols	Otto	Pace	Parkinson
Pfautsch	Phillips	Pike	Pogue	Reiboldt
Remole	Ross	Rowden	Rowland	Schieber
Schieffer	Shull	Shumake	Smith 85	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Walker	Walton Gray	White	Wieland	Wilson
Wood	Zerr			

1034 *Journal of the House*

NOES: 066

Anders	Austin	Barnes	Bernskoetter	Brown
Butler	Carpenter	Colona	Conway 10	Cookson
Cox	Curtis	Curtman	Dohrman	Dunn
Ellinger	Ellington	Englund	Frame	Frederick
Funderburk	Gardner	Gatschenberger	Haahr	Hampton
Harris	Hinson	Hoskins	Houghton	Hummel
Johnson	Jones 50	Justus	Kelley 127	Kelly 45
LaFaver	Lauer	May	Mayfield	McCaherty
McCann Beatty	McDonald	McKenna	McManus	Mims
Molendorp	Montecillo	Morgan	Newman	Norr
Pierson	Rehder	Rhoads	Richardson	Riddle
Rizzo	Runions	Schatz	Schupp	Smith 120
Thomson	Torpey	Webb	Webber	Wright
Mr Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 013

Allen	Flanigan	Grisamore	Hicks	Higdon
Hodges	Hubbard	Korman	Leara	Morris
Redmon	Roorda	Scharnhorst		

VACANCIES: 002

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Morris	Muntzel	Neely
Neth	Parkinson	Pfausch	Phillips	Pike
Pogue	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Schatz	Schieber	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Allen	Flanigan	Hodges	Hubbard	Molendorp
Redmon	Scharnhorst			

VACANCIES: 002

Representative Koenig moved that **HCS#2 HB 178, as amended**, be adopted.

Which motion was defeated by the following vote:

AYES: 076

Anderson	Austin	Bahr	Barnes	Berry
Brattin	Brown	Burlison	Cierpiot	Conway 104
Cornejo	Crawford	Cross	Davis	Diehl
Elmer	Engler	Fitzpatrick	Fitzwater	Fowler
Fraker	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Hansen	Hicks
Higdon	Hurst	Jones 50	Keeney	Koenig
Kolkmeyer	Korman	Lair	Lant	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Pike	Pogue
Rehder	Reiboldt	Remole	Rhoads	Richardson
Ross	Rowden	Rowland	Schieber	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Walker	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 077

Anders	Bernskoetter	Black	Burns	Butler
Carpenter	Colona	Conway 10	Cookson	Cox
Curtis	Curtman	Dohrman	Dugger	Dunn
Ellinger	Ellington	English	Englund	Entlicher
Frame	Franklin	Frederick	Gardner	Haefner
Hampton	Harris	Hinson	Hoskins	Hough
Houghton	Hummel	Johnson	Justus	Kelley 127
Kelly 45	Kirkton	Kratky	LaFaver	Lauer
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Miller	Mims

Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Phillips	Pierson
Riddle	Rizzo	Roorda	Runions	Schatz
Schieffer	Schupp	Shull	Smith 85	Swearingen
Thomson	Torpey	Walton Gray	Webb	Webber
White	Wright			

PRESENT: 001

Shumake

ABSENT WITH LEAVE: 007

Allen	Flanigan	Hodges	Hubbard	Molendorp
Redmon	Scharnhorst			

VACANCIES: 002

Speaker Jones resumed the Chair.

HB 178 was laid over.

THIRD READING OF HOUSE BILL

HB 42, relating to private property rights, was taken up by Representative Rowland.

On motion of Representative Rowland, **HB 42** was read the third time and passed by the following vote:

AYES: 113

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McGaugh	Messenger	Miller
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowden	Rowland	Schatz	Schieber
Schieffer	Shull	Shumake	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 042

Anders	Burns	Butler	Carpenter	Colona
Curtis	Dunn	Ellinger	Ellington	Englund
Gardner	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Runions
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 006

Hodges	Hubbard	Molendorp	Morris	Redmon
Scharnhorst				

VACANCIES: 002

Speaker Jones declared the bill passed.

PERFECTION OF HOUSE BILLS

HB 178, relating to local ballot proposals, was again taken up by Representative Koenig.

Representative Kelley (127), having voted on the prevailing side, moved that the vote by which the adoption of **HCS#2 HB 178, as amended**, was defeated, be reconsidered.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer

1038 *Journal of the House*

Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 005

Hodges	Hubbard	Molendorp	Redmon	Scharnhorst
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VACANCIES: 002

On motion of Representative Koenig, **HCS#2 HB 178, as amended**, was adopted by the following vote:

AYES: 078

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Crawford
Davis	Diehl	Dugger	Elmer	Engler
Fitzwater	Fowler	Fraker	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Hampton	Hansen	Hicks	Higdon
Hurst	Jones 50	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Leara
Lichtenegger	Lynch	Marshall	McCaherty	McGaugh
Messenger	Muntzel	Neely	Neth	Parkinson
Pfautsch	Pike	Rehder	Reiboldt	Remole
Rhoads	Richardson	Ross	Rowden	Rowland
Schieber	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Walker	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 067

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Cox	Curtis	Curtman
Dohrman	Dunn	Ellinger	Ellington	English
Englund	Entlicher	Frame	Franklin	Gardner
Harris	Hinson	Hoskins	Hough	Houghton
Hummel	Johnson	Justus	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith

Miller	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Phillips
Pierson	Riddle	Rizzo	Roorda	Runions
Schatz	Schieffer	Schupp	Smith 85	Swearingen
Thomson	Torpey	Walton Gray	Webb	Webber
White	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 016

Cross	Fitzpatrick	Flanigan	Haefner	Hodges
Hubbard	Lauer	Love	Molendorp	Morris
Pace	Pogue	Redmon	Scharnhorst	Shull
Shumake				

VACANCIES: 002

On motion of Representative Koenig, **HCS#2 HB 178, as amended**, was ordered perfected and printed by the following vote:

AYES: 086

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Crawford	Cross
Davis	Diehl	Dugger	Elmer	Engler
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Hampton	Hansen
Hicks	Higdon	Hurst	Jones 50	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Ross	Rowden
Rowland	Schieber	Shull	Shumake	Smith 120
Solon	Sommer	Spencer	Stream	Swan
Walker	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 066

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Cox	Curtis	Curtman
Dohrman	Dunn	Ellinger	Ellington	English
Englund	Entlicher	Frame	Franklin	Gardner
Harris	Hinson	Hoskins	Hough	Houghton
Hummel	Johnson	Justus	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Miller
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Phillips
Pierson	Riddle	Rizzo	Runions	Schatz

Schieffer	Schupp	Smith 85	Swearingen	Thomson
Torpey	Walton Gray	Webb	Webber	White
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 009

Barnes	Haefner	Hodges	Hubbard	Meredith
Molendorp	Redmon	Roorda	Scharnhorst	

VACANCIES: 002

HCS HB 197, relating to taxes and revenue bonds, was taken up by Representative Lauer.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 197, Pages 16 and 17, Section 67.2073, Lines 41 through 57, by deleting all of said lines and inserting in lieu thereof the following:

"(2) No real property shall be taken using eminent domain by any municipal or county government for any economic development project, as defined in section 523.271, funded by Star Bonds if such property is acquired in order to be transferred to any private entity prior to the expiration of the Star Bond project."; and

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

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

On motion of Representative Lauer, **HCS HB 197, as amended**, was adopted.

On motion of Representative Lauer, **HCS HB 197, as amended**, was ordered perfected and printed.

HCS HB 28, relating to disaster ordinances, was taken up by Representative Lichtenegger.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 28, Section 44.080, Page 2, Lines 19-26, by deleting all of said lines and inserting in lieu thereof the following:

"(3) Adopt orders or resolutions with penalties as these specifically relate to the actual or impending occurrence of a natural disaster of major proportions within the county when the safety and welfare of the inhabitants of such county are jeopardized. Such orders or resolutions may include the issuance of burn ban orders carrying penalties as specified in subsection 2 of section 44.130 if there is a Keetch-Byram Drought Index of 625 or more. The violations of such order or resolution shall be an infraction, except that state agencies responsible for fire management or suppression activities and persons conducting agricultural burning using best management practices shall not be subject to the provisions of this subsection. The ability of an individual, organization, or corporation to sell fireworks shall not be affected by the issuance of a burn ban order."; and

Further amend said bill, Section 49.266, Page 2, Lines 5-13, by deleting all of said lines and inserting in lieu thereof the following:

"2. The county commission in all counties may, by order, promulgate reasonable regulations concerning its emergency management functions and operations and conditions controls, as they specifically relate to the actual occurrence of a natural disaster within the county when the health, safety or welfare of the inhabitants of such county are threatened by actual or impending circumstances. The regulations may include the issuance of burn ban orders carrying penalties as specified in subsection 2 of section 44.130 and monetary fines as established by the county commission , if there is a Keetch-Byram Drought Index of 625 or more, except that state agencies responsible for fire management or suppression activities and persons conducting agricultural burning using best management practices shall not be subject to the provisions of this subsection. The ability of an individual, organization, or corporation to sell fireworks shall not be affected by the issuance of a burn ban order."; and

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

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

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Schatz	Schieber	Shull
Shumake	Smith 120	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols

1042 *Journal of the House*

Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 005

Hodges	Hubbard	Kelley 127	Redmon	Scharnhorst
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VACANCIES: 002

On motion of Representative Lichtenegger, **HCS HB 28, as amended**, was adopted.

On motion of Representative Lichtenegger, **HCS HB 28, as amended**, was ordered perfected and printed.

HCS HB 787, relating to the Department of Revenue, was taken up by Representative Richardson.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 787, Page 3, Section 302.065, Line 10, by deleting the number "2013" and inserting in lieu thereof the number "2012"; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 787, Page 3, Section 302.065, Line 19, by inserting after all of said section and line the following:

"571.500. No state agency or department, or contractor or agent working for the state, shall construct, enable by providing or sharing records to, maintain, participate in, or develop, or cooperate or enable the federal government in developing, a database or record of the number or type of firearms, ammunition, or firearms accessories that an individual possesses.

Section B. Because immediate action is necessary to protect the general public, the repeal and reenactment of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section A of this act shall be in full force and effect upon its passage and approval."; and

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

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

The Chair ruled the point of order not well taken.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Keeney	Kelley 127	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Muntzel	Neely
Neth	Parkinson	Pfausch	Phillips	Pike
Pogue	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 010

Fitzwater	Hodges	Hubbard	Justus	Mims
Morris	Redmon	Rowland	Scharnhorst	Smith 120

VACANCIES: 002

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

AYES: 123

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeier	Korman	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McGaugh
McKenna	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Nichols	Otto
Parkinson	Pfausch	Phillips	Pike	Pogue
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Roorda	Ross	Rowden	Rowland
Runions	Schatz	Schieber	Schieffer	Shull
Shumake	Smith 85	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 031

Butler	Carpenter	Colona	Conway 10	Curtis
Dunn	Ellinger	Ellington	Gardner	Hummel
Kelly 45	Kirkton	May	McCann Beatty	McDonald
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Norr	Pace
Pierson	Rizzo	Schupp	Swearingen	Walton Gray
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 007

Grisamore	Hodges	Hubbard	Kratky	Redmon
Scharnhorst	Smith 120			

VACANCIES: 002

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 787, Page 3, Section 302.065, Line 19, by inserting after all of said line the following:

"6. Any person harmed or damaged by any violation of section 302.065 may bring a civil action for damages, including non-economic and punitive damages, as well as injunctive relief, in the circuit court where that person resided at the time of the violation or in the circuit court or the circuit court of Cole County to recover such damages from the department of revenue and any persons participating in such violation. Sovereign immunity shall not be available as a defense for the department of revenue in such an action. In the event the plaintiff prevails on any count of his or her claim, the plaintiff shall be entitled to recover reasonable attorney fees from the defendants."; and

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

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

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

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 787, Page 2, Section 302.065, Line 2, by inserting immediately after the word "**contrary**", the following:

"and except for the minimum copies of source documents required by federal law for the issuance or renewal of commercial driver's licenses and commercial driver learner's permits"; and

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

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

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

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 787, Page 2, Section 136.055, Line 51, by inserting immediately after said line the following:

"32.090. 1. The department of revenue shall keep a record of each application or other document filed with it and each certificate or other official document issued by it.

2. Except as otherwise provided by law, all records of the department of revenue are public records and shall be made available to the public according to procedures established by the department.

3. Personal information obtained by the department shall not be disclosed to any person requesting such personal information except as provided in section 32.091.

4. The director of the department of revenue may require applications received by the department under chapters 301, 306 and 700, RSMo, to include the applicant's unique identification number, which shall be treated as personal, non-public information. For the purposes of this subsection, "identification number" means the applicant's driver's license number, non-driver's license number, or social security number."; and

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

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pogue	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 009

Colona	Fitzwater	Hodges	Hubbard	Pike
Redmon	Roorda	Scharnhorst	Smith 120	

VACANCIES: 002

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

Representative Keeney resumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Learn
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 007

Curtis	Funderburk	Hodges	Hubbard	Redmon
Scharnhorst	Smith 120			

VACANCIES: 002

On motion of Representative Richardson, **HCS HB 787, as amended**, was adopted.

On motion of Representative Richardson, **HCS HB 787, as amended**, was ordered perfected and printed by the following vote:

AYES: 141

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Carpenter	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Dunn	Ellinger	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McCann Beatty	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Molendorp	Montecillo	Morris	Muntzel	Neely
Neth	Nichols	Norr	Otto	Pace
Parkinson	Pfautsch	Phillips	Pierson	Pike
Pogue	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 014

Burns	Butler	Colona	Curtis	Gardner
Hummel	McDonald	Mims	Mitten	Morgan
Newman	Smith 85	Walton Gray	Webb	

PRESENT: 000

ABSENT WITH LEAVE: 006

Funderburk	Hodges	Hubbard	Redmon	Scharnhorst
Smith 120				

VACANCIES: 002

HCS HB 389, relating to a qualified tax credit for research expenses, was taken up by Representative Engler.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 389, Page 1, Section 620.1039, Lines 7-11, by deleting all of said lines and inserting in lieu thereof the following:

"limited to those incurred in the:

- (1) Research and development of agricultural biotechnology;**
- (2) Research and development of plant genomics products;**
- (3) Research and development of diagnostic and therapeutic medical devices;**
- (4) Research and development of prescription pharmaceuticals consumed by humans or animals, that does not include human reproductive cloning;**
- (5) Research, development, or manufacture of power system technology for aerospace, space, defense, or implantable or wearable medial devices.";** and

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

HCS HB 389, with House Amendment No. 1, pending, was laid over.

HB 526, relating to the establishment of a rural regional development grants program, was taken up by Representative Franklin.

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

House Amendment No. 1

AMEND House Bill No. 526, Page 2, Section 620.750, Line 31, by inserting after all of said line the following:

"6. The regional small business and technology development center will serve as the facilitator of the rural regional development group for purposes of this grant program. The facilitator's role will be to convene the group, provide support for the development of an action plan for the implementation of the grant in the region, and handle reporting responsibilities on the pre-determined metrics that demonstrate the results from the economic development activities in the region."; and

Further amend said bill, page and section, Line 43, by inserting after all of said line the following:

"8. Uses for the grants may include, but are not limited to, the following activities:

- (1) Workforce development activities, such as evaluation and education;**
- (2) Entrepreneurship training for pre-venture and existing businesses;**
- (3) Development of regional marketing techniques and activities;**
- (4) International trade training for new-to-export businesses in the region;**
- (5) In-depth market research and financial analysis for businesses in the region;**
- (6) Demographic and market opportunity research to assist regional planning commissions in developing their comprehensive economic development strategy.**

9. The facilitator shall annually report to the governor; the director of the department of economic development; the senate committee on commerce, consumer protection and the environment and the house committee on economic development and any successor committees thereto, the allocation of the grants and the purposes for which the funding was used."; and

Further amend said bill and section, by renumbering the subsections accordingly; and

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

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Lichtenegger	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Morris
Muntzel	Neely	Neth	Pfausch	Phillips
Pike	Pogue	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 013

Bernskoetter	Fraker	Hansen	Hodges	Hubbard
Leara	Marshall	Molendorp	Parkinson	Redmon
Roorda	Scharnhorst	Smith 120		

VACANCIES: 002

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

On motion of Representative Franklin, **HB 526, as amended**, was ordered perfected and printed.

HB 253, relating to the establishment of the "Broad-Based Tax Relief Act of 2013," was taken up by Representative Berry.

Representative Kelley (127) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 253, Page 6, Section 143.071, Line 85, by inserting after said line the following:

"143.221. 1. Every employer required to deduct and withhold tax under sections 143.011 to 143.996 shall, for each calendar quarter, on or before the last day of the month following the close of such calendar quarter, file a withholding return as prescribed by the director of revenue and pay over to the director of revenue or to a depository designated by the director of revenue the taxes so required to be deducted and withheld.

2. Where the aggregate amount required to be deducted and withheld by any employer exceeds fifty dollars for at least two of the preceding twelve months, the director, by regulation, may require a monthly return. The due dates of the monthly return and the monthly payment or deposit for the first two months of each quarter shall be by the fifteenth day of the succeeding month. The due dates of the monthly return and the monthly payment or deposit for the last month of each quarter shall be by the last day of the succeeding month. The director may increase the amount required for making a monthly employer withholding payment and return to more than fifty dollars or decrease such required amount, however, the decreased amount shall not be less than fifty dollars.

3. Where the aggregate amount required to be deducted and withheld by any employer is less than [twenty] **one hundred** dollars in each of the four preceding quarters, **and to the extent the employer does not meet the requirements in subsection 1 or 2 of this section for filing a withholding return on a quarterly or monthly basis**, the employer shall file a withholding return for a calendar year. The director, by regulation, may also allow other employers to file annual returns. The return shall be filed and the taxes if any paid on or before January thirty-first of the succeeding year. The director may increase the amount required for making an annual employer withholding payment and return to more than [twenty] **one hundred** dollars or decrease such required amount, however, the decreased amount shall not be less than [twenty] **one hundred** dollars.

4. If the director of revenue finds that the collection of taxes required to be deducted and withheld by an employer may be jeopardized by delay, he may require the employer to pay over the tax or make a return at any time. A lien outstanding with regard to any tax administered by the director shall be a sufficient basis for this action."; and

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

On motion of Representative Kelley (127), **House Amendment No. 1** was adopted.

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

House Amendment No. 2

AMEND House Bill No. 253, Page 6, Section 143.071, Line 85, by inserting after all of said section and line the following:

"144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, including but not limited to motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations[, or fees paid to, or] in any place of amusement, entertainment or recreation, games and athletic events;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax." "; and

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

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

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

House Amendment No. 3

AMEND House Bill No. 253, Page 1, Line 3 of the Title, by deleting the words "business income" and inserting in lieu thereof the word "businesses"; and

Further amend said bill, Page 6, Section 143.013, Line 85, by inserting after said line the following:

"144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of such vehicles. For purposes of this subdivision "motor vehicle" and "public highway" shall have the meaning as ascribed in section 390.020;

(5) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility that has as its primary purpose the recovery of materials into a useable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(6) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state, **including any titled manufacturing or mining equipment**, if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(7) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

(9) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(10) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(11) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(12) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, in the transportation of persons or property;

(13) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (5) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(14) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(16) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(17) Tangible personal property purchased by a rural water district;

(18) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(19) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by the Food and Drug Administration to meet the over-the-counter drug product labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner licensed to prescribe;

(20) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(21) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (20) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(22) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530;

(23) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used

in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

- (a) Used exclusively for agricultural purposes;
 - (b) Used on land owned or leased for the purpose of producing farm products; and
 - (c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;
- (24) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(25) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(26) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

(27) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers

bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(28) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(29) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(30) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(31) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(32) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (5) of this subsection;

(33) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(34) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

(35) All sales of grain bins for storage of grain for resale;

(36) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

(37) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(38) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

(39) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

(40) All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

(41) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

(42) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from

patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event."; and

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

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

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellington	English
Englund	Gardner	Harris	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 014

Colona	Ellinger	Flanigan	Frame	Gatschenberger
Hansen	Hodges	Hubbard	Leara	Molendorp
Redmon	Scharnhorst	Smith 120	Mr Speaker	

VACANCIES: 002

On motion of Representative Berry, **HB 253, as amended**, was ordered perfected and printed.

On motion of Representative Diehl, the House recessed until 8:00 p.m.

EVENING SESSION

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

PERFECTION OF HOUSE BILLS

HCS HBs 404 & 614, relating to workers' compensation, was taken up by Representative Conway (104).

Representative Rizzo suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 057

Allen	Anderson	Black	Brattin	Burlison
Colona	Conway 104	Cookson	Cox	Crawford
Davis	Diehl	Dohrman	Englund	Fitzpatrick
Fitzwater	Fraker	Frame	Franklin	Gatschenberger
Grisamore	Guernsey	Haefner	Hampton	Harris
Hoskins	Hurst	Keeney	Koenig	Kolkmeyer
Korman	Kratky	Lair	Lant	Leara
Love	McCaherty	Miller	Montecillo	Morgan
Muntzel	Neth	Pfautsch	Phillips	Pike
Rehder	Reiboldt	Rizzo	Rowden	Scharnhorst
Schatz	Schieber	Shull	Shumake	Stream
Thomson	Torpey			

NOES: 000

PRESENT: 046

Anders	Austin	Bahr	Barnes	Berry
Butler	Carpenter	Conway 10	Cross	Elmer
English	Frederick	Gardner	Haahr	Hinson
Houghton	Hummel	Johnson	Jones 50	Justus
Kelly 45	Kirkton	LaFaver	Lauer	May
Mayfield	McCann Beatty	McGaugh	Neely	Nichols
Norr	Pace	Pierson	Rhoads	Rowland
Schieffer	Schupp	Solon	Sommer	Spencer
Swearingen	Webb	Webber	White	Wieland
Wood				

ABSENT WITH LEAVE: 058

Bernskoetter	Brown	Burns	Cierpiot	Cornejo
Curtis	Curtman	Dugger	Dunn	Ellinger
Ellington	Engler	Entlicher	Flanigan	Fowler
Funderburk	Gannon	Gosen	Hansen	Hicks

Higdon	Hodges	Hough	Hubbard	Kelley 127
Lichtenegger	Lynch	Marshall	McDonald	McKenna
McManus	McNeil	Meredith	Messenger	Mims
Mitten	Molendorp	Morris	Newman	Otto
Parkinson	Pogue	Redmon	Remole	Richardson
Riddle	Roorda	Ross	Runions	Smith 85
Smith 120	Swan	Walker	Walton Gray	Wilson
Wright	Zerr	Mr Speaker		

VACANCIES: 002

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill Nos. 404 & 614, Page 2, Section 287.067, Line 46, by inserting after all of said section and line, the following:

"287.243. 1. This section shall be known and may be cited as the "Line of Duty Compensation Act".

2. As used in this section, unless otherwise provided, the following words shall mean:

(1) "Air ambulance pilot", a person certified as an air ambulance pilot in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to air ambulances adopted by the department of health and senior services, division of regulation and licensure, 19 CSR 30-40.005, et seq.;

(2) "Air ambulance registered professional nurse", a person licensed as a registered professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered professional nursing services as a flight nurse in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to 190.245 and the corresponding regulations applicable to such programs;

(3) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245 and by rules adopted by the department of health and senior services under sections 190.001 to 190.245;

(4) "Firefighter", any person, including a volunteer firefighter, employed by the state or a local governmental entity as an employer defined under subsection 1 of section 287.030, or otherwise serving as a member or officer of a fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims;

(5) "Killed in the line of duty", when [a person defined in this section] **any law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, paramedic, or firefighter** loses [one's] **his or her** life as a result of an injury received in the active performance of [his or her duties within the ordinary scope of] **duties in** his or her respective profession [while the individual is on duty and but for the individual's performance, death would have not occurred], **if the death occurs as a natural and probable consequence of the injury or disease caused by the accident or violence of another within three hundred weeks from the date the injury was received and if that injury arose from violence of another or accidental cause subject to the provisions of this subdivision.** The term excludes death resulting from the willful misconduct or intoxication of the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, **paramedic**, or firefighter. The division of workers' compensation shall have the burden of proving such willful misconduct or intoxication. **For law enforcement officers, emergency medical technicians, air ambulance pilots, air ambulance registered professional nurses, paramedics, and firefighters, the term shall include the death caused as a result of a willful act of violence committed by a person other than the officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, paramedic, or firefighter, and a relationship exists between the commission of such act and the individual's performance of his or her duties as a law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, paramedic, or firefighter, regardless of whether the injury is received while the individual is on duty; or the injury is received by a law enforcement officer while he or she is attempting to prevent the commission of a criminal act of another person or attempting to apprehend an individual suspected of committing a crime, regardless of whether the injury is received while the individual is on duty as a law enforcement officer; or the injury is received by the individual while traveling to or from his or her employment or during any meal break, or other break, which takes place during the period in which the law enforcement officer, air ambulance**

pilot, air ambulance registered professional nurse, emergency medical technician, paramedic, or firefighter, is on duty;

(6) "Law enforcement officer", any person employed by the state or a local governmental entity as a police officer, peace officer certified under chapter 590, or serving as an auxiliary police officer or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person's life;

(7) "Local governmental entity", includes counties, municipalities, townships, board or other political subdivision, cities under special charter, or under the commission form of government, fire protection districts, ambulance districts, and municipal corporations;

(8) "State", the state of Missouri and its departments, divisions, boards, bureaus, commissions, authorities, and colleges and universities;

(9) "Volunteer firefighter", a person having principal employment other than as a firefighter, but who is carried on the rolls of a regularly constituted fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, the members of which are under the jurisdiction of the corporate authorities of a city, village, incorporated town, or fire protection district. Volunteer firefighter shall not mean an individual who volunteers assistance without being regularly enrolled as a firefighter.

3. (1) A claim for compensation under this section shall be filed by the estate of the deceased with the division of workers' compensation not later than one year from the date of death of a law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter. If a claim is made within one year of the date of death of a law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter killed in the line of duty, compensation shall be paid, if the division finds that the claimant is entitled to compensation under this section.

(2) The amount of compensation paid to the claimant shall be twenty-five thousand dollars, subject to appropriation, for death occurring on or after June 19, 2009.

4. Notwithstanding subsection 3 of this section, no compensation is payable under this section unless a claim is filed within the time specified under this section setting forth:

(1) The name, address, and title or designation of the position in which the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter was serving at the time of his or her death;

(2) The name and address of the claimant;

(3) A full, factual account of the circumstances resulting in or the course of events causing the death at issue; and

(4) Such other information that is reasonably required by the division.

When a claim is filed, the division of workers' compensation shall make an investigation for substantiation of matters set forth in the application.

5. The compensation provided for under this section is in addition to, and not exclusive of, any pension rights, death benefits, or other compensation the claimant may otherwise be entitled to by law.

6. Neither employers nor workers' compensation insurers shall have subrogation rights against any compensation awarded for claims under this section. Such compensation shall not be assignable, shall be exempt from attachment, garnishment, and execution, and shall not be subject to setoff or counterclaim, or be in any way liable for any debt, except that the division or commission may allow as lien on the compensation, reasonable attorney's fees for services in connection with the proceedings for compensation if the services are found to be necessary. Such fees are subject to regulation as set forth in section 287.260.

7. Any person seeking compensation under this section who is aggrieved by the decision of the division of workers' compensation regarding his or her compensation claim, may make application for a hearing as provided in section 287.450. The procedures applicable to the processing of such hearings and determinations shall be those established by this chapter. Decisions of the administrative law judge under this section shall be binding, subject to review by either party under the provisions of section 287.480.

8. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after June 19, 2009, unless reauthorized by an act of the general assembly; and

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

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

9. The provisions of this section, unless specified, shall not be subject to other provisions of this chapter.

10. There is hereby created in the state treasury the "Line of Duty Compensation Fund", which shall consist of moneys appropriated to the fund and any voluntary contributions, gifts, or bequests to the fund. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for paying claims under this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

11. The division shall promulgate rules to administer this section, including but not limited to the appointment of claims to multiple claimants, record retention, and procedures for information requests. 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 June 19, 2009, shall be invalid and void."; and

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

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

On motion of Representative Conway (104), **HCS HBs 404 & 614, as amended**, was adopted.

On motion of Representative Conway (104), **HCS HBs 404 & 614, as amended**, was ordered perfected and printed.

HCS HB 343, relating to public assistance benefits, was taken up by Representative Guernsey.

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

Representative Hummel raised a point of order that **House Amendment No. 1** was not timely distributed.

Representative Keeney requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 343, Page 6, Section 208.022, Line 7, by inserting after all of said section and line the following:

"208.027. 1. The department of social services shall develop a program to screen each applicant or recipient who is otherwise eligible for temporary assistance for needy families benefits under this chapter, and then test, using a urine dipstick five panel test, each one who the department has reasonable cause to believe, based on the screening, engages in illegal use of controlled substances. Any applicant or recipient who is found to have tested positive for the use of a controlled substance, which was not prescribed for such applicant or recipient by a licensed health care provider, or who refuses to submit to a test, shall, after an administrative hearing conducted by the department under the provisions of chapter 536, be declared ineligible for temporary assistance for needy families benefits for a period of three years from

the date of the administrative hearing decision unless such applicant or recipient, after having been referred by the department, enters and successfully completes a substance abuse treatment program and does not test positive for illegal use of a controlled substance in the six-month period beginning on the date of entry into such rehabilitation or treatment program. The applicant or recipient shall continue to receive benefits while participating in the treatment program. The department may test the applicant or recipient for illegal drug use at random or set intervals, at the department's discretion, after such period. If the applicant or recipient tests positive for the use of illegal drugs a second time, then such applicant or recipient shall be declared ineligible for temporary assistance for needy families benefits for a period of three years from the date of the administrative hearing decision. The department shall refer an applicant or recipient who tested positive for the use of a controlled substance under this section to an appropriate substance abuse treatment program approved by the division of alcohol and drug abuse within the department of mental health.

2. Case workers of applicants or recipients shall be required to report or cause a report to be made to the children's division in accordance with the provisions of sections 210.109 to 210.183 for suspected child abuse as a result of drug abuse in instances where the case worker has knowledge that:

- (1) An applicant or recipient has tested positive for the illegal use of a controlled substance; or
- (2) An applicant or recipient has refused to be tested for the illegal use of a controlled substance.

3. Other members of a household which includes a person who has been declared ineligible for temporary assistance for needy families assistance shall, if otherwise eligible, continue to receive temporary assistance for needy families benefits as protective or vendor payments to a third-party payee for the benefit of the members of the household.

4. The department of social services shall promulgate rules to develop the screening and testing provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

5. Notwithstanding the department's screening program developed pursuant to subsection 1, case workers shall be given the ultimate discretion to determine whether there is reasonable cause to believe an applicant or recipient engages in the illegal use of controlled substances. The department is prohibited from promulgating any rule or policy that would prohibit a case worker of applicants or recipients from requiring a test for any applicant or recipient the case worker has reasonable cause to believe engages in the illegal use of controlled substances.

6. Any department employee who prohibits the drug testing of an applicant or recipient when the case worker has reasonable cause to believe the applicant or recipient engages in the illegal use of controlled substances shall be subject to immediate termination of employment."; and

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

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Morris	Muntzel	Neely	Neth	Parkinson

Pfautsch	Phillips	Pike	Pogue	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 012

Engler	Flanigan	Funderburk	Hansen	Hodges
Hubbard	Molendorp	Redmon	Scharnhorst	Smith 120
Zerr	Mr Speaker			

VACANCIES: 002

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

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 343, Page 6, Section 208.022, Line 7, by inserting after all of said section and line the following:

"208.042. 1. In households containing recipients of [aid to families with dependent children] **temporary assistance for needy families** benefits, each [appropriate child, relative or other eligible individual] **recipient** sixteen years of age or over, **with the exception of recipients under the age of nineteen who are enrolled full-time in high school**, shall [be referred by the division of family services to the United States Secretary of Labor or his representative for participation in employment, training, work incentive or special work projects when established and operated by the secretary,] **participate in work activities in accordance with federal regulations** to afford such individuals opportunities to work in the regular economy and to attain independence through gainful employment.

2. The [division of family services] **department of social services**, pursuant to applicable federal law and regulations, shall determine the standards and procedures for the referral of individuals for [employment, training, work incentive and special work projects,] **work activities**, which shall not be refused by such individuals without good cause; but no recipient [or other eligible individual in the household] shall be required to participate in such work [programs] **activities** if the person is

- (1) Ill, incapacitated, or of advanced age;
- (2) So remote from the location of any work [or training project or program] **activity** that he cannot effectively participate;
- (3) A child attending school full time;

(4) A person whose presence in the household on a substantially continuous basis is required because of illness or incapacity of another member of the household.

3. [The division of family services shall pay to the United States Secretary of Labor or his representative up to twenty percent of the total cost, in cash or in kind, of the work incentive programs operated for the benefit of the eligible persons referred by the division of family services; and the division of family services shall pay an amount to the secretary for eligible persons referred to and participating in special work projects not to exceed the maximum monthly payments authorized under sections 208.041 and 208.150 for recipients of public assistance benefits. An allowance in addition to the maximum fixed by section 208.150 may also be made by the division of family services for the reasonable expenses of any needy child or needy eligible relative which are attributable to his participating in a work training or work incentive program.

4.] If [an eligible child or relative] **a recipient** refuses without good cause to participate in any work [training or work incentive program to which he has been referred, payment to or on behalf of the child or relative] **activity, his or her benefits** may be continued for not more than sixty days thereafter, but in such cases payments shall be made pursuant to subsection 2 of section 208.180. If a [relative] **recipient** has refused to so participate, payments on behalf of the eligible children cared for by the [relative] **recipient** shall be made pursuant to subsection 2 of section 208.180.

[5.] **4.** The [division of family services] **department of social services** is authorized to expend funds to provide child day care services, when appropriate, for the care of children required by the absence of adult persons from the household due to [referral and participation in employment, training, work incentive programs or special work projects] **work activities.**

5. The provisions of this section shall be subject to compliance by the department with all applicable federal laws and rules regarding temporary assistance for needy families."; and

Further amend said bill, Section 208.048, Page 6, Line 10, by inserting after all of said section and line the following:

"208.152. 1. MO HealthNet payments shall be made on behalf of those eligible needy persons as defined in section 208.151 who are unable to provide for it in whole or in part, with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Inpatient hospital services, except to persons in an institution for mental diseases who are under the age of sixty-five years and over the age of twenty-one years; provided that the MO HealthNet division shall provide through rule and regulation an exception process for coverage of inpatient costs in those cases requiring treatment beyond the seventy-fifth percentile professional activities study (PAS) or the MO HealthNet children's diagnosis length-of-stay schedule; and provided further that the MO HealthNet division shall take into account through its payment system for hospital services the situation of hospitals which serve a disproportionate number of low-income patients;

(2) All outpatient hospital services, payments therefor to be in amounts which represent no more than eighty percent of the lesser of reasonable costs or customary charges for such services, determined in accordance with the principles set forth in Title XVIII A and B, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. 301, et seq.), but the MO HealthNet division may evaluate outpatient hospital services rendered under this section and deny payment for services which are determined by the MO HealthNet division not to be medically necessary, in accordance with federal law and regulations;

(3) Laboratory and X-ray services;

(4) Nursing home services for participants, except to persons with more than five hundred thousand dollars equity in their home or except for persons in an institution for mental diseases who are under the age of sixty-five years, when residing in a hospital licensed by the department of health and senior services or a nursing home licensed by the department of health and senior services or appropriate licensing authority of other states or government-owned and -operated institutions which are determined to conform to standards equivalent to licensing requirements in Title XIX of the federal Social Security Act (42 U.S.C. 301, et seq.), as amended, for nursing facilities. The MO HealthNet division may recognize through its payment methodology for nursing facilities those nursing facilities which serve a high volume of MO HealthNet patients. The MO HealthNet division when determining the amount of the benefit payments to be made on behalf of persons under the age of twenty-one in a nursing facility may consider nursing facilities furnishing care to persons under the age of twenty-one as a classification separate from other nursing facilities;

(5) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection for those days, which shall not exceed twelve per any period of six consecutive months, during which the participant is on a temporary leave of absence from the hospital or nursing home, provided that no such participant shall be allowed a temporary leave of absence unless it is specifically provided for in his plan of care. As used in this subdivision, the

term "temporary leave of absence" shall include all periods of time during which a participant is away from the hospital or nursing home overnight because he is visiting a friend or relative;

(6) Physicians' services, whether furnished in the office, home, hospital, nursing home, or elsewhere;

(7) Drugs and medicines when prescribed by a licensed physician, dentist, or podiatrist; except that no payment for drugs and medicines prescribed on and after January 1, 2006, by a licensed physician, dentist, or podiatrist may be made on behalf of any person who qualifies for prescription drug coverage under the provisions of P.L. 108-173;

(8) Emergency ambulance services and, effective January 1, 1990, medically necessary transportation to scheduled, physician-prescribed nonelective treatments;

(9) Early and periodic screening and diagnosis of individuals who are under the age of twenty-one to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby. Such services shall be provided in accordance with the provisions of Section 6403 of P.L. 101-239 and federal regulations promulgated thereunder;

(10) Home health care services;

(11) Family planning as defined by federal rules and regulations; provided, however, that such family planning services shall not include abortions unless such abortions are certified in writing by a physician to the MO HealthNet agency that, in his professional judgment, the life of the mother would be endangered if the fetus were carried to term;

(12) Inpatient psychiatric hospital services for individuals under age twenty-one as defined in Title XIX of the federal Social Security Act (42 U.S.C. 1396d, et seq.);

(13) Outpatient surgical procedures, including presurgical diagnostic services performed in ambulatory surgical facilities which are licensed by the department of health and senior services of the state of Missouri; except, that such outpatient surgical services shall not include persons who are eligible for coverage under Part B of Title XVIII, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended, if exclusion of such persons is permitted under Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended;

(14) Personal care services which are medically oriented tasks having to do with a person's physical requirements, as opposed to housekeeping requirements, which enable a person to be treated by his physician on an outpatient rather than on an inpatient or residential basis in a hospital, intermediate care facility, or skilled nursing facility. Personal care services shall be rendered by an individual not a member of the participant's family who is qualified to provide such services where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a licensed nurse. Persons eligible to receive personal care services shall be those persons who would otherwise require placement in a hospital, intermediate care facility, or skilled nursing facility. Benefits payable for personal care services shall not exceed for any one participant one hundred percent of the average statewide charge for care and treatment in an intermediate care facility for a comparable period of time. Such services, when delivered in a residential care facility or assisted living facility licensed under chapter 198 shall be authorized on a tier level based on the services the resident requires and the frequency of the services. A resident of such facility who qualifies for assistance under section 208.030 shall, at a minimum, if prescribed by a physician, qualify for the tier level with the fewest services. The rate paid to providers for each tier of service shall be set subject to appropriations. Subject to appropriations, each resident of such facility who qualifies for assistance under section 208.030 and meets the level of care required in this section shall, at a minimum, if prescribed by a physician, be authorized up to one hour of personal care services per day. Authorized units of personal care services shall not be reduced or tier level lowered unless an order approving such reduction or lowering is obtained from the resident's personal physician. Such authorized units of personal care services or tier level shall be transferred with such resident if her or she transfers to another such facility. Such provision shall terminate upon receipt of relevant waivers from the federal Department of Health and Human Services. If the Centers for Medicare and Medicaid Services determines that such provision does not comply with the state plan, this provision shall be null and void. The MO HealthNet division shall notify the revisor of statutes as to whether the relevant waivers are approved or a determination of noncompliance is made;

(15) Mental health services. The state plan for providing medical assistance under Title XIX of the Social Security Act, 42 U.S.C. 301, as amended, shall include the following mental health services when such services are provided by community mental health facilities operated by the department of mental health or designated by the department of mental health as a community mental health facility or as an alcohol and drug abuse facility or as a child-serving agency within the comprehensive children's mental health service system established in section 630.097. The department of mental health shall establish by administrative rule the definition and criteria for designation as a community mental health facility and for designation as an alcohol and drug abuse facility. Such mental health services shall include:

(a) Outpatient mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with

a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(b) Clinic mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(c) Rehabilitative mental health and alcohol and drug abuse services including home and community-based preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health or alcohol and drug abuse professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management. As used in this section, mental health professional and alcohol and drug abuse professional shall be defined by the department of mental health pursuant to duly promulgated rules. With respect to services established by this subdivision, the department of social services, MO HealthNet division, shall enter into an agreement with the department of mental health. Matching funds for outpatient mental health services, clinic mental health services, and rehabilitation services for mental health and alcohol and drug abuse shall be certified by the department of mental health to the MO HealthNet division. The agreement shall establish a mechanism for the joint implementation of the provisions of this subdivision. In addition, the agreement shall establish a mechanism by which rates for services may be jointly developed;

(16) Such additional services as defined by the MO HealthNet division to be furnished under waivers of federal statutory requirements as provided for and authorized by the federal Social Security Act (42 U.S.C. 301, et seq.) subject to appropriation by the general assembly;

(17) Beginning July 1, 1990, the services of a certified pediatric or family nursing practitioner with a collaborative practice agreement to the extent that such services are provided in accordance with chapters 334 and 335, and regulations promulgated thereunder;

(18) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection to reserve a bed for the participant in the nursing home during the time that the participant is absent due to admission to a hospital for services which cannot be performed on an outpatient basis, subject to the provisions of this subdivision:

(a) The provisions of this subdivision shall apply only if:

a. The occupancy rate of the nursing home is at or above ninety-seven percent of MO HealthNet certified licensed beds, according to the most recent quarterly census provided to the department of health and senior services which was taken prior to when the participant is admitted to the hospital; and

b. The patient is admitted to a hospital for a medical condition with an anticipated stay of three days or less;

(b) The payment to be made under this subdivision shall be provided for a maximum of three days per hospital stay;

(c) For each day that nursing home costs are paid on behalf of a participant under this subdivision during any period of six consecutive months such participant shall, during the same period of six consecutive months, be ineligible for payment of nursing home costs of two otherwise available temporary leave of absence days provided under subdivision (5) of this subsection; and

(d) The provisions of this subdivision shall not apply unless the nursing home receives notice from the participant or the participant's responsible party that the participant intends to return to the nursing home following the hospital stay. If the nursing home receives such notification and all other provisions of this subsection have been satisfied, the nursing home shall provide notice to the participant or the participant's responsible party prior to release of the reserved bed;

(19) Prescribed medically necessary durable medical equipment. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(20) Hospice care. As used in this subdivision, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(21) Prescribed medically necessary dental services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(22) Prescribed medically necessary optometric services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(23) Blood clotting products-related services. For persons diagnosed with a bleeding disorder, as defined in section 338.400, reliant on blood clotting products, as defined in section 338.400, such services include:

(a) Home delivery of blood clotting products and ancillary infusion equipment and supplies, including the emergency deliveries of the product when medically necessary;

(b) Medically necessary ancillary infusion equipment and supplies required to administer the blood clotting products; and

(c) Assessments conducted in the participant's home by a pharmacist, nurse, or local home health care agency trained in bleeding disorders when deemed necessary by the participant's treating physician;

(24) The MO HealthNet division shall, by January 1, 2008, and annually thereafter, report the status of MO HealthNet provider reimbursement rates as compared to one hundred percent of the Medicare reimbursement rates and compared to the average dental reimbursement rates paid by third-party payors licensed by the state. The MO HealthNet division shall, by July 1, 2008, provide to the general assembly a four-year plan to achieve parity with Medicare reimbursement rates and for third-party payor average dental reimbursement rates. Such plan shall be subject to appropriation and the division shall include in its annual budget request to the governor the necessary funding needed to complete the four-year plan developed under this subdivision.

2. Additional benefit payments for medical assistance shall be made on behalf of those eligible needy children, pregnant women and blind persons with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the division of medical services, unless otherwise hereinafter provided, for the following:

(1) Dental services;

(2) Services of podiatrists as defined in section 330.010;

(3) Optometric services as defined in section 336.010;

(4) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids, and wheelchairs;

(5) Hospice care. As used in this subsection, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(6) Comprehensive day rehabilitation services beginning early posttrauma as part of a coordinated system of care for individuals with disabling impairments. Rehabilitation services must be based on an individualized, goal-oriented, comprehensive and coordinated treatment plan developed, implemented, and monitored through an interdisciplinary assessment designed to restore an individual to optimal level of physical, cognitive, and behavioral function. The MO HealthNet division shall establish by administrative rule the definition and criteria for designation of a comprehensive day rehabilitation service facility, benefit limitations and payment mechanism. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subdivision shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

3. The MO HealthNet division may require any participant receiving MO HealthNet benefits to pay part of the charge or cost until July 1, 2008, and an additional payment after July 1, 2008, as defined by rule duly promulgated by the MO HealthNet division, for all covered services except for those services covered under subdivisions (14) and (15) of subsection 1 of this section and sections 208.631 to 208.657 to the extent and in the manner authorized by Title XIX of the federal Social Security Act (42 U.S.C. 1396, et seq.) and regulations thereunder. When substitution of a generic

drug is permitted by the prescriber according to section 338.056, and a generic drug is substituted for a name-brand drug, the MO HealthNet division may not lower or delete the requirement to make a co-payment pursuant to regulations of Title XIX of the federal Social Security Act. A provider of goods or services described under this section must collect from all participants the additional payment that may be required by the MO HealthNet division under authority granted herein, if the division exercises that authority, to remain eligible as a provider. Any payments made by participants under this section shall be in addition to and not in lieu of payments made by the state for goods or services described herein except the participant portion of the pharmacy professional dispensing fee shall be in addition to and not in lieu of payments to pharmacists. A provider may collect the co-payment at the time a service is provided or at a later date. A provider shall not refuse to provide a service if a participant is unable to pay a required payment. If it is the routine business practice of a provider to terminate future services to an individual with an unclaimed debt, the provider may include uncollected co-payments under this practice. Providers who elect not to undertake the provision of services based on a history of bad debt shall give participants advance notice and a reasonable opportunity for payment. A provider, representative, employee, independent contractor, or agent of a pharmaceutical manufacturer shall not make co-payment for a participant. This subsection shall not apply to other qualified children, pregnant women, or blind persons. If the Centers for Medicare and Medicaid Services does not approve the Missouri MO HealthNet state plan amendment submitted by the department of social services that would allow a provider to deny future services to an individual with uncollected co-payments, the denial of services shall not be allowed. The department of social services shall inform providers regarding the acceptability of denying services as the result of unpaid co-payments.

4. The MO HealthNet division shall have the right to collect medication samples from participants in order to maintain program integrity.

5. Reimbursement for obstetrical and pediatric services under subdivision (6) of subsection 1 of this section shall be timely and sufficient to enlist enough health care providers so that care and services are available under the state plan for MO HealthNet benefits at least to the extent that such care and services are available to the general population in the geographic area, as required under subparagraph (a)(30)(A) of 42 U.S.C. 1396a and federal regulations promulgated thereunder.

6. Beginning July 1, 1990, reimbursement for services rendered in federally funded health centers shall be in accordance with the provisions of subsection 6402(c) and Section 6404 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) and federal regulations promulgated thereunder.

7. Beginning July 1, 1990, the department of social services shall provide notification and referral of children below age five, and pregnant, breast-feeding, or postpartum women who are determined to be eligible for MO HealthNet benefits under section 208.151 to the special supplemental food programs for women, infants and children administered by the department of health and senior services. Such notification and referral shall conform to the requirements of Section 6406 of P.L. 101-239 and regulations promulgated thereunder.

8. Providers of long-term care services shall be reimbursed for their costs in accordance with the provisions of Section 1902 (a)(13)(A) of the Social Security Act, 42 U.S.C. 1396a, as amended, and regulations promulgated thereunder.

9. Reimbursement rates to long-term care providers with respect to a total change in ownership, at arm's length, for any facility previously licensed and certified for participation in the MO HealthNet program shall not increase payments in excess of the increase that would result from the application of Section 1902 (a)(13)(C) of the Social Security Act, 42 U.S.C. 1396a (a)(13)(C).

10. The MO HealthNet division, may enroll qualified residential care facilities and assisted living facilities, as defined in chapter 198, as MO HealthNet personal care providers.

11. Any income earned by individuals eligible for certified extended employment at a sheltered workshop under chapter 178 shall not be considered as income for purposes of determining eligibility under this section.

12. The MO HealthNet division shall screen all recipients of MO HealthNet benefits to determine if such recipients are eligible to participate in the health insurance premium payment (HIPP) program. All eligible recipients shall participate in the HIPP program if it is determined to be cost effective for the division."; and

Further amend said bill, Page 8, Section 1, Lines 1-11, by deleting all of said lines and inserting in lieu thereof the following:

"Section 1. Notwithstanding any provision of law to the contrary, the department shall establish and implement a welfare-to-work program that requires all recipients of temporary assistance for needy families benefits to make at least twenty job contacts per week. The department shall allow recipients to work as unpaid interns for a governmental entity and shall only require those working as interns to make at least ten job contacts per week. After the first month of making job contacts, any recipient of temporary assistance for needy families

benefits that has not obtained employment that provides on average twenty hours per week of employment shall be required to work as an unpaid intern for a governmental entity and shall only be required to make at least ten job contacts per week. Any county, city or other political subdivision shall be allowed to submit to the department available intern positions in which temporary assistance recipients may be placed. The provisions of this section shall not apply to any recipient under the age of nineteen who is enrolled in high school full-time. The director of the department of social services shall apply for all waivers of requirements under federal law necessary to implement the provisions of this section with full federal participation. The provisions of this section shall be implemented, subject to appropriation, as waivers necessary to ensure continued federal participation are received."; and

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

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

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

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Miller	Molendorp	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr

Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 009

Bahr	Cierpiot	Conway 10	Flanigan	Hodges
Hubbard	Redmon	Smith 120	Stream	

VACANCIES: 002

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

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

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 343, Page 6, Section 208.022, Line 7, by inserting after said line the following:

"208.031. 1. Electronic benefit transfer transactions made by each applicant or recipient who is otherwise eligible for temporary assistance for needy families benefits under this chapter and who is found to have made a cash withdrawal at any casino, gambling casino, or gaming establishment shall, after an administrative hearing conducted by the department under the provisions of chapter 536, be declared ineligible for temporary assistance for needy families benefits for a period of three years from the date of the administrative hearing decision. For purposes of this section, "casino, gambling casino, or gaming establishment" does not include a grocery store which sells groceries including staple foods and which also offers, or is located within the same building or complex as, casino, gambling, or gaming activities.

2. Other members of a household which includes a person who has been declared ineligible for temporary assistance for needy families assistance shall, if otherwise eligible, continue to receive temporary assistance for needy families benefits as protective or vendor payments to a third-party payee for the benefit of the members of the household.

3. Any person who, in good faith, reports a suspected violation of this section by a temporary assistance for needy families (TANF) recipient shall not be held civilly or criminally liable for reporting such suspected violation.

4. The department of social services shall promulgate rules 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 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

208.032. 1. In accordance with the Social Security Act, 42 U.S.C. Section 608(a)(12), the department of social services shall implement and maintain policies and practices which prevent a temporary assistance for needy families electronic benefit transfer transaction in:

- (1) Any liquor store;**
- (2) Any casino, gambling casino, or gambling establishment; or**
- (3) Any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.**

2. As used in this section, the term:

- (1) "Casino, gambling casino, or gaming establishment" shall not include a grocery store which sells groceries including staple foods and which also offers, or is located within the same building or complex as, casino, gambling, or gaming activities;**

(2) "Electronic benefit transfer transaction" means the use of a credit or debit card service, automated teller machine, point-of-sale terminal, or access to an online system for the withdrawal of funds or the processing of a payment for merchandise or a service;

(3) "Liquor store" means any retail establishment which sells exclusively or primarily intoxicating liquor. Liquor store does not include a grocery store which sells both intoxicating liquor and groceries including staple foods within the meaning of Section 3(r) of the Food and Nutrition Act of 2008, 7 U.S.C. Section 2012(r).

3. In accordance with 42 U.S.C. Section 602(a)(1)(A), the department of social services shall:

(1) Implement policies and procedures as necessary to prevent access to assistance provided under Missouri's temporary assistance for needy families (TANF) program through any electronic fund transaction in an automated teller machine or point-of-sale device located in a place described in subsections 1 and 2 of this section, including a plan to ensure that recipients of the assistance have adequate access to their cash assistance; and

(2) Ensure that recipients of assistance provided under Missouri's TANF program have access to using or withdrawing assistance with minimal fees or charges, including an opportunity to access assistance with no fee or charges, and are provided information on applicable fees and charges that apply to electronic fund transactions involving the assistance, and that such information is made publicly available.

4. On or before December 31, 2014, the department shall submit a report to the governor and the general assembly detailing the policies and practices implemented in accordance with the requirements of this section and the requirements of 42 U.S.C. Section 608(a)(12). In addition, the department shall report Missouri's implementation of the policies and practices to the Secretary of Health and Human Services as required under 42 U.S.C. Section 609(a)(16) within two years of the enactment of such federal law."; and

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

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

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

AMEND House Amendment No. 4 to House Committee Substitute for House Bill No. 343, Page 2, Line 25, by deleting all of said line and inserting in lieu thereof, the following:

"enactment of such federal law.

5. Nothing in this section shall require any casino, gambling casino, or gaming establishment to enforce or monitor any provision of this section."; and

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

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

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick

Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeier	Korman	Lair	Lant
Lauer	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Zerr
Mr Speaker				

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 011

Allen	Colona	Flanigan	Funderburk	Higdon
Hodges	Hubbard	Leara	Redmon	Smith 120
Wood				

VACANCIES: 002

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

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

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 343, Page 8, Section 2, Lines 1-9, by deleting all of said lines and inserting in lieu thereof the following:

"Section 2. All recipients of temporary assistance for needy families, food stamps, child care assistance, supplemental nutrition assistance, or any other similar governmental assistance program who are eighteen years of age or older shall be required to possess a high school diploma or graduate equivalency degree. Any applicant for temporary assistance for needy families, food stamps, child care assistance, supplemental nutrition assistance, or any other similar governmental assistance program who, at the time of their application for assistance, does not possess a high school diploma or graduate equivalency degree as required by these provisions shall have two years from the date of the application for assistance to obtain a high school diploma. If all other eligibility requirements are satisfied, the applicant shall receive assistance during such two-year period. The director of the

department of social services shall apply for all waivers of requirements under federal law necessary to implement the provisions of this section with full federal participation. The provisions of this section shall be implemented, subject to appropriation, as waivers necessary to ensure continued federal participation are received."; and

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

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

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

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 343, Page 6, Section 208.048, Line 8, by inserting immediately after the word "**school**" the following:

", whether public, private, or home school,"; and

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

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Morris	Muntzel	Neely	Neth	Parkinson
Pfausch	Phillips	Pike	Pogue	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Zerr	Mr Speaker

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr

1074 *Journal of the House*

Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 012

Bahr	Colona	Flanigan	Funderburk	Higdon
Hinson	Hodges	Hubbard	Redmon	Scharnhorst
Smith 120	Wood			

VACANCIES: 002

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

On motion of Representative Guernsey, **HCS HB 343, as amended**, was adopted.

On motion of Representative Guernsey, **HCS HB 343, as amended**, was ordered perfected and printed by the following vote:

AYES: 106

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Brattin	Brown
Burlison	Cierpiot	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Fowler	Fraker
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Solon
Sommer	Spencer	Stream	Thomson	Torpey
Walker	Wieland	Wilson	Wood	Zerr

Mr Speaker

NOES: 047

Black	Burns	Butler	Carpenter	Conway 10
Curtis	Dunn	Ellinger	Ellington	English
Englund	Frame	Gardner	Harris	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto

Pace	Pierson	Rizzo	Runions	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
White	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 008

Colona	Flanigan	Funderburk	Hodges	Hubbard
Redmon	Smith 120	Swan		

VACANCIES: 002

Speaker Jones resumed the Chair.

HCS HB 621, relating to tax credits for port facilities, was taken up by Representative McCaherty.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 621, Section 135.1662, Page 2, Line 42, by deleting "**\$3.2**" and inserting in lieu thereof "**\$3.5**"; and

Further amend said section, Page 3, Lines 64, 67, and 68, by deleting "**\$3.2**" and inserting in lieu thereof "**\$3.5**"; and

Further amend said bill, Section 135.1664, Page 4, Line 18, by deleting "**\$1.5**" and inserting in lieu thereof "**\$2**"; and

Further amend said bill, Section 135.1666, Page 7, Lines 83 and 85, by deleting "**\$250,000**" and inserting in lieu thereof "**\$500,000**"; and

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

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

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127

1076 *Journal of the House*

Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Molendorp
Morris	Muntzel	Neely	Pfausch	Phillips
Pike	Pogue	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Mr Speaker	

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 013

Engler	Flanigan	Funderburk	Hinson	Hodges
Hubbard	Marshall	Neth	Parkinson	Redmon
Smith 85	Smith 120	Zerr		

VACANCIES: 002

On motion of Representative McCaherty, **HCS HB 621, as amended**, was adopted.

On motion of Representative McCaherty, **HCS HB 621, as amended**, was ordered perfected and printed.

HCS#2 HB 631, relating to the employment and evaluation of teachers, was taken up by Representative Elmer.

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

House Amendment No. 1

AMEND House Committee Substitute No. 2 for House Bill No. 631, Page 16, Section 168.128, Lines 24 and 25, by deleting the following:

"and shall use the evaluation system as the basis for personnel decisions about teachers and administrators,"; and

Further amend said bill and section, Page 18, Lines 76 to 82, by deleting all of said lines and inserting in lieu thereof the following:

"(6) For purposes of retention, promotion, dismissals and other staffing decisions based on performance, including but not limited to incompetency, inefficiency or insubordination, willful and persistent violation of board policy, such staffing decisions shall consider evaluation results, should they exist, as a significant factor. However, nothing in this section shall preclude the district from terminating a probationary teacher where such teacher's evaluation was completed prior to the teacher having at least six months of teaching experience in the district. Each teacher and administrator contract and collective bargaining agreement entered into, including option years exercised, after the effective date of this section shall authorize use of evaluation to inform decisions described in this subsection. The form and content of the evaluation under section 168.128 shall not be the subject of collective bargaining agreements. Unless otherwise prohibited by law, any contrary provisions of collective bargaining agreements, regulations, or policies shall be void."; and

Further amend said bill, section, Page 19, Line 121, by inserting after all of said line the following:

"10. Nothing in this section shall preclude the district from terminating a probationary teacher where such teacher's evaluation was completed prior to the teacher having at least six months of teaching experience in the district."; and

Further amend said bill, Section 168.221, Page 22, Line 120, by inserting after all of said line the following:

"11. Nothing in this section shall preclude the district from terminating a probationary teacher where such teacher's evaluation was completed prior to the teacher having at least six months of teaching experience in the district."; and

Further amend said bill, Pages 22 and 23, by removing Section 160.045, Lines 1 to 19, from the bill; and

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

Representative Roorda offered **House Substitute Amendment No. 1 for House Amendment No. 1.**

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

AMEND House Committee Substitute No. 2 for House Bill No. 631, Page 18, Section 168.128, Lines 78 to 82, by deleting all of said lines and inserting in lieu thereof the following:

"teachers and administrators."; and

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

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher

Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Reiboldt	Remole
Rhoads	Richardson	Ross	Rowden	Rowland
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
English	Englund	Frame	Gardner	Harris
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 009

Ellington	Franklin	Hodges	Hubbard	Redmon
Rehder	Riddle	Scharnhorst	Smith 120	

VACANCIES: 002

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

Which motion was defeated by the following vote:

AYES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr

Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber		

NOES: 102

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Koenig
Kolkmeyer	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Ross	Rowden
Rowland	Schieber	Shull	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Wright	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 011

Gatschenberger	Hodges	Hubbard	Korman	Redmon
Riddle	Scharnhorst	Schatz	Shumake	Smith 120
Zerr				

VACANCIES: 002

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Lair	Lant	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh

1080 *Journal of the House*

Messenger	Miller	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Rehder	Reiboldt	Remole	Rhoads
Richardson	Ross	Rowden	Rowland	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 009

Hodges	Hubbard	Korman	Lauer	Molendorp
Redmon	Riddle	Scharnhorst	Smith 120	

VACANCIES: 002

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

AYES: 083

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Cierpiot
Colona	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Davis	Diehl	Elmer
Engler	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Hough	Houghton	Hurst
Jones 50	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lant	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	Messenger	Miller
Molendorp	Morris	Muntzel	Neth	Parkinson
Pfautsch	Rehder	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Shull	Shumake
Sommer	Spencer	Stream	Swan	Torpey
Walker	Webb	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 066

Anders	Black	Brown	Burns	Butler
Carpenter	Conway 10	Curtis	Dohrman	Dugger
Dunn	Ellinger	English	Englund	Entlicher
Fitzpatrick	Frame	Gardner	Harris	Higdon
Hoskins	Hummel	Johnson	Justus	Kelly 45
Kirkton	Kratky	LaFaver	Lair	May
Mayfield	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Neely	Newman	Nichols
Norr	Otto	Pace	Phillips	Pierson
Pike	Pogue	Reiboldt	Rizzo	Roorda
Rowland	Runions	Schatz	Schieber	Schupp
Smith 85	Solon	Swearingen	Thomson	Walton Gray
Webber				

PRESENT: 000

ABSENT WITH LEAVE: 012

Curtman	Ellington	Frederick	Hinson	Hodges
Hubbard	Lauer	Redmon	Scharnhorst	Schieffer
Smith 120	Wright			

VACANCIES: 002

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

House Amendment No. 2

AMEND House Committee Substitute No. 2 for House Bill No. 631, Page 17, Section 168.128, Line 66, by inserting after the word "**growth**", the following:

"; however, student growth on assessments for administrators, except superintendents, shall count for at least thirty-three percent of the evaluation, using value-added measures"; and

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

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig

1082 *Journal of the House*

Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Harris
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 006

Gardner	Hodges	Hubbard	Marshall	Redmon
Smith 120				

VACANCIES: 002

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

AYES: 117

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Burlison	Burns	Carpenter	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtis	Curtman	Diehl	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Fitzpatrick	Fitzwater	Flanigan	Frame	Frederick
Funderburk	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Hoskins	Hough	Houghton	Hummel
Hurst	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lant	Lauer	Leara
Lichtenegger	Love	Marshall	Mayfield	McCaherty
McCann Beatty	McKenna	McManus	McNeil	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Morris	Muntzel	Neely	Neth	Nichols
Parkinson	Pfautsch	Rehder	Reiboldt	Remole

Rhoads	Richardson	Riddle	Rizzo	Roorda
Ross	Rowden	Runions	Scharnhorst	Schieber
Schieffer	Schupp	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Torpey	Webber	Wieland	Wilson	Wright
Zerr	Mr Speaker			

NOES: 039

Brown	Butler	Colona	Conway 10	Davis
Dohrman	Dugger	Entlicher	Fowler	Fraker
Franklin	Gannon	Gardner	Higdon	Johnson
Lair	Lynch	May	McDonald	McGaugh
Meredith	Morgan	Newman	Norr	Otto
Pace	Phillips	Pierson	Pike	Pogue
Rowland	Schatz	Smith 85	Thomson	Walker
Walton Gray	Webb	White	Wood	

PRESENT: 000

ABSENT WITH LEAVE: 005

Hinson	Hodges	Hubbard	Redmon	Smith 120
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VACANCIES: 002

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

House Amendment No. 3

AMEND House Committee Substitute No. 2 for House Bill No. 631, Pages 14 and 15, Section 168.114, Lines 1 to 14, by removing said section from the bill; and

Further amend said bill, Page 16, Section 168.128, Line 24, by deleting the word "**based**" and inserting in lieu thereof the following:

"centered"; and

Further amend said bill, page, and section, Line 31, by deleting the number "**5**" and inserting in lieu thereof the following:

"6"; and

Further amend said bill and section, Page 17, Line 38, by inserting immediately after the word "**teach**" the following:

"grades and"; and

Further amend said bill, section, and page, Line 61, by deleting the word "**these**"; and

Further amend said bill and section, Page 22, Line 97, by deleting the word "**evaluation**" and inserting in lieu thereof the following:

"evaluations"; and

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

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

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

House Amendment No. 4

AMEND House Committee Substitute No. 2 for House Bill No. 631, Page 13, Section 168.104, Line 16, by inserting immediately after the number "168.128" the following:

"or any teacher who has permanent status under existing law on August 27, 2013"; and

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

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

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 107

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols

Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 004

Hodges	Hubbard	Redmon	Smith 120
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VACANCIES: 002

On motion of Representative Elmer, **HCS#2 HB 631, as amended**, was adopted.

Representative Elmer moved that **HCS#2 HB 631, as amended**, be ordered perfected and printed.

Which motion was defeated by the following vote:

AYES: 055

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Burlison	Cierpiot	Colona	Conway 104
Cookson	Cornejo	Cox	Crawford	Curtman
Davis	Diehl	Elmer	Flanigan	Funderburk
Gatschenberger	Gosen	Guernsey	Haahr	Haefner
Hicks	Hinson	Hough	Jones 50	Keeney
Koenig	Korman	Lant	Leara	Lichtenegger
Love	Miller	Muntzel	Neth	Parkinson
Rehder	Rhoads	Richardson	Riddle	Ross
Scharnhorst	Shull	Sommer	Spencer	Stream
Swan	Webb	Wieland	Zerr	Mr Speaker

NOES: 102

Anders	Berry	Black	Brattin	Brown
Burns	Butler	Carpenter	Conway 10	Cross
Curtis	Dohrman	Dugger	Dunn	Ellinger
Ellington	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Frame
Franklin	Frederick	Gannon	Gardner	Grisamore
Hampton	Hansen	Harris	Higdon	Hoskins
Houghton	Hummel	Hurst	Johnson	Justus
Kelley 127	Kelly 45	Kirkton	Kolkmeyer	Kratky
LaFaver	Lair	Lauer	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Mims	Mitten	Molendorp	Montecillo
Morgan	Morris	Neely	Newman	Nichols
Norr	Otto	Pace	Pfautsch	Phillips
Pierson	Pike	Pogue	Reiboldt	Remole
Rizzo	Roorda	Rowden	Rowland	Runions
Schatz	Schieber	Schieffer	Schupp	Shumake

1086 *Journal of the House*

Smith 85	Solon	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webber	White	Wilson
Wood	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 004

Hodges	Hubbard	Redmon	Smith 120
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VACANCIES: 002

HCS HB 194, relating to a new home income tax deduction, was taken up by Representative Diehl.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 194, Page 1, Section 143.145, Line 2, by deleting the word "**subtracted**" and inserting in lieu thereof the word "**deducted**"; and

Further amend said section and page, Line 9, by deleting the word "**Purchase**" and inserting in lieu thereof the words "**Contract sales**"; and

Further amend said section, Page 2, Line 34, by deleting the word "**purchase**" and inserting in lieu thereof the words "**contract sales**"; and

Further amend said section and page, Line 37, by deleting all of said line and inserting in lieu thereof the following:

"No taxpayer shall claim a tax deduction for the purchase of more than one qualified principal residence under this section. Such tax deduction shall be limited to a maximum tax benefit of ten thousand dollars."; and

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

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Franklin	Frederick	Funderburk
Gannon	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	McCaherty	McGaugh
Messenger	Miller	Molendorp	Morris	Muntzel

Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Schatz	Schieber	Shull	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 015

Cierpiot	Davis	Fraker	Gatschenberger	Gosen
Hodges	Hubbard	Kolkmeier	Marshall	Redmon
Rehder	Scharnhorst	Shumake	Smith 120	Swearingen

VACANCIES: 002

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 194, Page 2, Section 143.145, Line 53, by inserting after said line the following:

"6. If a Missouri taxpayer self-constructs a qualified principal residence, such taxpayer shall be eligible for a tax deduction allowed by this section by satisfying the department of revenue's proof of documentation requirements to verify the contract sale price of a qualified principle residence."; and

Further amend said bill by renumbering said section accordingly; and

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

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

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Muntzel
Neely	Parkinson	Pfautsch	Phillips	Pike
Pogue	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 014

Barnes	Gatschenberger	Gosen	Grisamore	Hodges
Hoskins	Hubbard	Molendorp	Morris	Neth
Redmon	Rehder	Smith 120	Stream	

VACANCIES: 002

On motion of Representative Diehl, **HCS HB 194, as amended**, was adopted.

On motion of Representative Diehl, **HCS HB 194, as amended**, was ordered perfected and printed.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HCS HB 194 - Fiscal Review
HCS HB 215 - Fiscal Review
HB 253 - Fiscal Review
HCS HB 343 - Fiscal Review
HCS HBs 404 & 614 - Fiscal Review
HCS HB 468 - Fiscal Review
HCS HB 470 - Fiscal Review
HB 526 - Fiscal Review
HB 621 - Fiscal Review
HCS HB 787 - Fiscal Review
HCS HB 813 - Fiscal Review
HCS HB 850 - Fiscal Review
HB 871 - Tourism and Natural Resources
HB 886 - Government Oversight and Accountability

REFERRAL OF SENATE JOINT RESOLUTION

The following Senate Joint Resolution was referred to the Committee indicated:

SS#2 SCS SJR 16 - Transportation

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

SCS SB 2 - Elections
SCS SB 83 - General Laws
SB 100 - Judiciary
SCS SB 126 - Health Care Policy
SB 161 - Health Insurance
SB 199 - Retirement
SB 218 - Tourism and Natural Resources
SCS SB 229 - Children, Families, and Persons with Disabilities
SB 242 - Elementary and Secondary Education
SCS SB 254 - Financial Institutions
SCS SB 258 - Elections
SB 261 - Ways and Means
SS SB 262 - Health Insurance
SB 265 - Downsizing State Government
SCS SB 287 - Insurance Policy
SCS SBs 289 & 314 - Downsizing State Government
SCS SB 302 - Health Care Policy

SCS SB 305 - Professional Registration and Licensing

SB 330 - Professional Registration and Licensing

COMMITTEE REPORTS

Committee on Budget, Chairman Stream reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **SB 350**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Economic Development, Chairman Zerr reporting:

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 484**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 698**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Elementary and Secondary Education, Chairman Cookson reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HJR 22**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 675**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Financial Institutions, Chairman Dugger reporting:

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **SB 235**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Health Care Policy, Chairman Frederick reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **SCS SB 376**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Insurance Policy, Chairman Gosen reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **SB 59**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **SB 60**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **SCS SB 324**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Professional Registration and Licensing, Chairman Burlison reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SB 80**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SB 234**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SB 306**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Special Standing Committee on Corrections, Chairman Fitzwater reporting:

Mr. Speaker: Your Special Standing Committee on Corrections, to which was referred **HB 830**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on Corrections, to which was referred **SB 188**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Ways and Means, Chairman Koenig reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 421**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 1035**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Workforce Development and Workplace Safety, Chairman Lant reporting:

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **HB 611**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute - Federal Mandate**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **SS SCS SB 29**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **SS SB 34**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HCS HJR 11 & 7**, entitled:

Joint resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to the right to farm.

With Senate Amendment No. 3.

Senate Amendment No. 3

AMEND Senate Substitute for House Committee Substitute for House Joint Resolution Nos. 11 & 7, Page 1, Section 35, Lines 9-10, by striking all of said line; and

Further amend said bill and section, Page 2, Lines 1-2, by striking all of said lines and inserting in lieu thereof the following:

“this state. Nothing in this section shall be interpreted to”.

In which the concurrence of the House is respectfully requested.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Thursday, April 11, 2013.

COMMITTEE HEARINGS

AGRICULTURE POLICY

Thursday, April 11, 2013, 8:00 AM House Hearing Room 7.
Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, April 11, 2013, 8:00 AM House Hearing Room 3.
Executive session may be held on any matter referred to the committee.
Discussion of potential DD staff reorganization within the Department of Mental Health.
Public testimony welcome regarding Fiscal Year 2012 single state audit results.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, April 16, 2013, 2:00 PM House Hearing Room 3.
Executive session may be held on any matter referred to the committee.
We will look at last audit with the Department of Corrections 2009, focusing on Canteen Program.

DOWNSIZING STATE GOVERNMENT

Thursday, April 11, 2013, 8:00 AM House Hearing Room 4.
Public hearing will be held: HB 765, HB 863, SB 66
Executive session may be held on any matter referred to the committee.

EMERGING ISSUES IN AGRICULTURE

Monday, April 15, 2013, Upon Afternoon Adjournment South Gallery.
Executive session will be held: HCR 34
Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, April 11, 2013, 8:00 AM South Gallery.
Executive session may be held on any matter referred to the committee.
CORRECTED

LEADERSHIP FOR MISSOURI ISSUE DEVELOPMENT

Thursday, April 11, 2013, 8:30 AM Room 308 (Office of Speaker Timothy W. Jones).
Executive session may be held on any matter referred to the committee.

LOCAL GOVERNMENT

Thursday, April 11, 2013, 8:00 AM House Hearing Room 5.
Public hearing will be held: HB 140, HB 764, HB 932
Executive session may be held on any matter referred to the committee.

RETIREMENT

Thursday, April 11, 2013, 8:15 AM House Hearing Room 1.
Executive session will be held: HB 861, HB 737
Executive session may be held on any matter referred to the committee.
Note time change
AMENDED

RULES

Thursday, April 11, 2013, Upon Morning Adjournment South Gallery.

Executive session will be held: HCS HB 252, HCS HB 275, HCS HB 285, HB 339, HCS HB 340, HB 747, HCS HB 1035, SB 59, SB 60, SB 80, SB 188, SB 234, SB 235, SB 306, SCS SB 324, SCS SB 376, HCR 21, HCS HJR 26, HCS HB 76, HCS HB 78, HCS HBs 309 & 73, HCS HB 344, HCS HB 348, HCS HB 372, HCS HB 387, HCS HB 415, HCS HB 436, HCS HBs 593 & 695, HB 635, HCS HB 653, HB 771, HB 808, HCS HB 859, SB 16, SCS SB 191, SB 237, SB 329

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

AMENDED

VETERANS

Thursday, April 11, 2013, 9:30 AM North Gallery.

Executive session will be held: SCS SB 186

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

HOUSE CALENDAR

FIFTIETH DAY, THURSDAY, APRIL 11, 2013

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara
- 5 HB 400 - Riddle
- 6 HCS HB 701 - Molendorp
- 7 HCS HB 335 - Hinson
- 8 HB 255 - Torpey
- 9 HCS HB 389, with HA 1, pending - Engler
- 10 HB 510 - Torpey
- 11 HB 756 - Hubbard
- 12 HCS HB 458 - Scharnhorst
- 13 HCS HBs 455 & 297 - English
- 14 HB 242 - Ellington
- 15 HB 274 - Brattin
- 16 HCS HB 290 - Lichtenegger
- 17 HCS HB 351 - Frederick
- 18 HB 503 - McCaherty
- 19 HB 733 - Berry
- 20 HCS HB 589 - Hinson

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HB 443 - Hubbard

- 4 HCS HB 30 - Scharnhorst
- 5 HB 47 - Cross
- 6 HCS HB 137 - Hinson
- 7 HB 217, E.C. - Cox
- 8 HCS HB 470, (Fiscal Review 4/10/13) - Barnes
- 9 HCS HB 215, (Fiscal Review 4/10/13), E.C. - Cox
- 10 HB 103 - Kelley (127)
- 11 HCS HB 114, E.C. - McCaherty
- 12 HCS HB 505, E.C. - Haefner
- 13 HB 218 - Cox
- 14 HB 533 - Riddle
- 15 HCS HB 850, (Fiscal Review 4/10/13) - McCaherty
- 16 HCS HB 813, (Fiscal Review 4/10/13) - Torpey
- 17 HB 148 - Davis
- 18 HCS HB 257 - Frederick
- 19 HB 326 - Fitzwater
- 20 HCS HB 722 - Leara
- 21 HCS HB 418 - Neth
- 22 HCS HB 468, (Fiscal Review 4/10/13), E.C. - Higdon
- 23 HCS HBs 374 & 434 - Elmer
- 24 HCS HBs 373 & 435 - Elmer
- 25 HB 322 - Gosen
- 26 HCS HB 345 - Cierpiot
- 27 HCS#2 HB 178 - Koenig
- 28 HCS HB 197 - Lauer
- 29 HCS HB 28 - Lichtenegger
- 30 HCS HB 787, (Fiscal Review 4/10/13), E.C. - Richardson
- 31 HB 526, (Fiscal Review 4/10/13) - Franklin
- 32 HB 253, (Fiscal Review 4/10/13) - Berry
- 33 HCS HBs 404 & 614, (Fiscal Review 4/10/13) - Conway (104)
- 34 HCS HB 343, (Fiscal Review 4/10/13) - Guernsey
- 35 HCS HB 621, (Fiscal Review 4/10/13) - McCaherty
- 36 HCS HB 194, (Fiscal Review 4/10/13) - Diehl

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11 - Walton Gray
- 2 HCR 35 - Jones (110)

HOUSE BILLS WITH SENATE AMENDMENTS

SS HCS HJR 11 & 7, as amended - Reiboldt