

# JOURNAL OF THE HOUSE

Second Regular Session, 97th GENERAL ASSEMBLY

SIXTY-NINTH DAY, THURSDAY, MAY 15, 2014

The House met pursuant to adjournment.

Speaker Pro Tem Hoskins in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

*Watch ye, stand fast in the faith, quit you like men, be strong. (I Corinthians 16:13)*

God of the Ages, everywhere present, everywhere available, and everywhere seeking to enter the heart of all to strengthen and sustain us, be with us this day and reveal Your way to our waiting hearts. Make us so conscious of Your presence and so receptive to the leading of Your Spirit that we shall be directed into right paths, make wise decisions, and formulate great plans for the welfare of all our people and the well-being of Missouri.

With patience and perseverance may we meet the problems that confront us, and the conflicts that rage about us. Together may we stand firm in our faith, be strong, and do all things in love.

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: Hailee A. Ford, Joseph L. Ford, Evan Matt, Robbie Crader, Megan Crader, Landon Fraker, Logan Fraker, and Colton Plaster.

The Journal of the sixty-eighth day was approved as printed by the following vote:

AYES: 123

Anders	Anderson	Austin	Bahr	Bernskoetter
Berry	Black	Brattin	Burlison	Bums
Butler	Cierpiot	Conway 10	Conway 104	Cookson
Cox	Crawford	Cross	Davis	Diehl
Dohrman	Dugger	Dunn	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fraker	Frame	Frederick
Gannon	Gatschenberger	Gosen	Haahr	Haefner
Hampton	Hansen	Harris	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Kelley 127
Kelly 45	Koenig	Kolkmeier	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	May	Mayfield	McCaherty	McCann Beatty
McKenna	McManus	McNeil	Meredith	Messenger

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Miller	Mims	Moon	Morgan	Muntzel
Neely	Neth	Nichols	Norr	Otto
Pace	Parkinson	Pfäutsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Riddle	Rizzo	Rowden
Rowland	Schamhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Shumake	Smith	Solon
Sommer	Spencer	Stream	Swan	Torpey
Walker	Walton Gray	White	Wieland	Wilson
Wood	Zerr	Mr. Speaker		

NOES: 003

Kratky	Montecillo	Roorda
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PRESENT: 006

Barnes	Comejo	Gardner	Hicks	Kirkton
Peters				

ABSENT WITH LEAVE: 027

Allen	Brown	Carpenter	Colona	Curtis
Curtman	Franklin	Funderburk	Grisamore	Guemsey
Hodges	Keeney	Korman	Marshall	McDonald
McGaugh	Mitten	Molendorp	Morris	Newman
Richardson	Ross	Runions	Swearingen	Thomson
Webber	Wright			

VACANCIES: 004

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 3261 through House Resolution No. 3332

## BILLS IN CONFERENCE

**CCR#2 SS SCS HB 1490, as amended**, relating to elementary and secondary education standards, was taken up by Representative Bahr.

On motion of Representative Bahr, **CCR#2 SS SCS HB 1490, as amended**, was adopted by the following vote:

AYES: 133

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Cierpiot
Conway 10	Conway 104	Cookson	Comejo	Cox
Crawford	Cross	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Flanigan	Fraker	Frame
Franklin	Frederick	Gannon	Gatschenberger	Gosen
Guemsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hoskins	Houghton

Hubbard	Hummel	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeier	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McCann Beatty
McGaugh	McKenna	McManus	McNeil	Messenger
Miller	Mitten	Molendorp	Montecillo	Moon
Morgan	Morris	Muntzel	Neely	Neth
Nichols	Norr	Otto	Parkinson	Peters
Pfautsch	Phillips	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Schamhorst	Schieber	Schieffer	Schupp
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
Webber	White	Wieland	Wilson	Wood
Wright	Zer	Mr. Speaker		

NOES: 012

Colona	Dunn	Ellington	Gardner	May
Meredith	Mims	Pace	Pierson	Pogue
Smith	Walton Gray			

PRESENT: 000

ABSENT WITH LEAVE: 014

Carpenter	Curtis	Curtman	Fitzwater	Funderburk
Grisamore	Hinson	Hodges	Hough	Korman
McDonald	Newman	Schatz	Swearingen	

VACANCIES: 004

On motion of Representative Bahr, **CCS#2 SS SCS HB 1490** was read the third time and passed by the following vote:

AYES: 135

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Cierpiot
Conway 10	Conway 104	Cookson	Comejo	Cox
Crawford	Cross	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fraker
Frame	Franklin	Frederick	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hoskins
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	Mayfield	McCaherty
McCann Beatty	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mitten	Molendorp
Montecillo	Moon	Morgan	Morris	Muntzel

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Neely	Neth	Nichols	Norr	Otto
Parkinson	Peters	Pfäutsch	Phillips	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Schamhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Walker	Webber	Wieland
Wilson	Wood	Wright	Zer	Mr. Speaker

NOES: 010

Colona	Dunn	Gardner	May	Mims
Pace	Pierson	Pogue	Smith	Walton Gray

PRESENT: 000

ABSENT WITH LEAVE: 014

Carpenter	Curtis	Curtman	Ellington	Funderburk
Grisamore	Hinson	Hodges	Hough	Korman
McDonald	Newman	Torpey	White	

VACANCIES: 004

Speaker Pro Tem Hoskins declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 094

Allen	Anderson	Bahr	Barnes	Berry
Brattin	Brown	Burlison	Cierpiot	Conway 104
Comejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohman	Dugger
Elmer	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fraker	Franklin	Frederick	Gannon	Gatschenberger
Gosen	Guemsey	Haahr	Haefner	Hampton
Hansen	Hicks	Hoskins	Houghton	Hubbard
Hurst	Johnson	Justus	Keeney	Kelley 127
Koenig	Kolkmeier	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McCaherty
McGaugh	Messenger	Miller	Molendorp	Montecillo
Moon	Morris	Muntzel	Neely	Pfäutsch
Phillips	Pike	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Schamhorst	Schatz	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Walker	White	Wieland
Wilson	Wood	Zer	Mr. Speaker	

NOES: 051

Anders	Austin	Bernskoetter	Black	Bums
Butler	Conway 10	Dunn	Ellington	Engler
English	Englund	Frame	Gardner	Harris
Higdon	Hummel	Kelly 45	Kirkton	Kratky

LaFaver	Marshall	May	Mayfield	McCann Beatty
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Morgan	Neth	Nichols	Norr
Pace	Parkinson	Peters	Pierson	Pogue
Rizzo	Roorda	Runions	Schieber	Schieffer
Schupp	Smith	Swearingen	Walton Gray	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 014

Carpenter	Colona	Cookson	Funderburk	Grisamore
Hinson	Hodges	Hough	Jones 50	Korman
McDonald	Newman	Otto	Torpey	

VACANCIES: 004

**CCR SS HCS HB 1685**, relating to the use of investigational drugs, was taken up by Representative Neely.

Representative Neely moved that the House refuse to adopt the conference committee report on **SS HCS HB 1685** and request the Senate to grant the House a further conference.

Which motion was adopted.

**CCR SS SCS HB 1504**, relating to tax increment financing, was taken up by Representative Rowden.

On motion of Representative Rowden, **CCR SS SCS HB 1504** was adopted by the following vote:

AYES: 143

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Comejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fraker	Frame
Franklin	Frederick	Gannon	Gardner	Gatschenberger
Gosen	Guemsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McGaugh	McKenna	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Nichols	Norr	Otto

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Pace	Peters	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Schamhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith	Solon	Spencer
Stream	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webber	White	Wieland	Wilson
Wood	Zerr	Mr. Speaker		

NOES: 002

Curtis                      Marshall

PRESENT: 000

ABSENT WITH LEAVE: 014

Carpenter	Funderburk	Grisamore	Hodges	Hough
Koman	McDonald	McManus	Molendorp	Newman
Parkinson	Sommer	Swan	Wright	

VACANCIES: 004

On motion of Representative Rowden, **CCS SS SCS HB 1504** was read the third time and passed by the following vote:

AYES: 144

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Comejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fraker
Frame	Franklin	Frederick	Gannon	Gardner
Gatschenberger	Gosen	Guemsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Nichols	Norr	Otto	Pace
Peters	Pfautsch	Phillips	Pierson	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Ross	Rowden
Rowland	Runions	Schamhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Smith

Solon	Spencer	Stream	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webber	White
Wieland	Wood	Zerr	Mr. Speaker	

NOES: 004

Curtis	Marshall	Pogue	Wilson
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PRESENT: 000

ABSENT WITH LEAVE: 011

Funderburk	Grisamore	Hodges	Koman	Molendorp
Newman	Parkinson	Roorda	Sommer	Swan
Wright				

VACANCIES: 004

Speaker Pro Tem Hoskins declared the bill passed.

**CCR HCS SCS SBs 493, 485, 495, 516, 534, 545, 595, 616 & 624, as amended,** relating to elementary and secondary education, was taken up by Representative Stream.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

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

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NOES: 050

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

PRESENT: 000

ABSENT WITH LEAVE: 004

Funderburk	Hodges	Newman	Sommer
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VACANCIES: 004

On motion of Representative Stream, **CCR HCS SCS SBs 493, 485, 495, 516, 534, 545, 595, 616 & 624, as amended**, was adopted by the following vote:

AYES: 089

Allen	Anderson	Austin	Bahr	Bames
Bernskoetter	Bery	Brattin	Burlison	Cierpiot
Colona	Cookson	Comejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Engler	Englund	Fitzpatrick	Flanigan
Franklin	Frederick	Gatschenberger	Gosen	Guemsey
Haahr	Haefler	Hansen	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	LaFaver
Lair	Lant	Leara	Lichtenegger	Love
Lynch	McCaherty	McGaugh	Messenger	Moon
Muntzel	Neely	Neth	Pike	Rehder
Reiboldt	Remole	Richardson	Riddle	Ross
Rowden	Schamhorst	Schatz	Schieber	Shumake
Solon	Spencer	Stream	Swan	Swearingen
Torpey	Walker	White	Wieland	Wilson
Wood	Wright	Zerr	Mr. Speaker	

NOES: 067

Anders	Black	Brown	Burns	Butler
Carpenter	Conway 10	Conway 104	Dugger	Dunn
Ellington	Elmer	English	Entlicher	Fitzwater
Fraker	Frame	Gannon	Gardner	Grisamore
Hampton	Harris	Hummel	Kelly 45	Kirkton
Kratky	Lauer	Marshall	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Miller	Mims	Mitten	Molendorp
Montecillo	Morgan	Morris	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch

Phillips	Pierson	Pogue	Redmon	Rhoads
Rizzo	Roorda	Rowland	Runions	Schieffer
Schupp	Shull	Smith	Sommer	Thomson
Walton Gray	Webber			

PRESENT: 000

ABSENT WITH LEAVE: 003

Funderburk	Hodges	Newman
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VACANCIES: 004

On motion of Representative Stream, **CCS HCS SCS SBs 493, 485, 495, 516, 534, 545, 595, 616 & 624** was truly agreed to and finally passed by the following vote:

AYES: 089

Allen	Anderson	Austin	Bahr	Bames
Bernskoetter	Bery	Brattin	Burlison	Cierpiot
Colona	Cookson	Comejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Engler	Englund	Fitzpatrick	Flanigan
Franklin	Frederick	Gatschenberger	Gosen	Guemsey
Haahr	Haefner	Hansen	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	LaFaver
Lair	Lant	Leara	Lichtenegger	Love
Lynch	McCaherty	McGaugh	Messenger	Moon
Muntzel	Neely	Neth	Pike	Rehder
Reiboldt	Remole	Richardson	Riddle	Ross
Rowden	Schamhorst	Schatz	Schieber	Shumake
Solon	Spencer	Stream	Swan	Swearingen
Torpey	Walker	White	Wieland	Wilson
Wood	Wright	Zerr	Mr. Speaker	

NOES: 066

Anders	Black	Brown	Bums	Butler
Carpenter	Conway 10	Conway 104	Dugger	Dunn
Ellington	Elmer	English	Entlicher	Fitzwater
Fraker	Frame	Gannon	Gardner	Grisamore
Hampton	Harris	Hummel	Kelly 45	Kirkton
Kratky	Lauer	Marshall	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Miller	Mims	Mitten	Molendorp
Montecillo	Morgan	Morris	Nichols	Norr
Otto	Pace	Peters	Pfautsch	Phillips
Pierson	Pogue	Redmon	Rhoads	Rizzo
Roorda	Rowland	Runions	Schieffer	Schupp
Shull	Smith	Sommer	Thomson	Walton Gray
Webber				

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PRESENT: 000

ABSENT WITH LEAVE: 004

Funderburk                Hodges                Newman                Parkinson

VACANCIES: 004

Speaker Pro Tem Hoskins declared the bill passed.

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	Comejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fraker	Frederick
Gannon	Gatschenberger	Gosen	Grisamore	Guemsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Koman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	McCaherty	McGaugh	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	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	Ellington
English	Englund	Frame	Gardner	Harris
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	Marshall	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Runions	Schieffer	Schupp	Smith
Swearingen	Walton Gray	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 005

Franklin Funderburk Hodges Newman Roorda

VACANCIES: 004

The emergency clause was adopted by the following vote:

AYES: 111

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Colona	Cookson	Comejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fraker	Frederick	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Koenig	Kolkmeier	Korman
LaFaver	Lair	Lant	Leara	Lichtenegger
Love	Lynch	McCaherty	McGaugh	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Schamhorst	Schatz	Schieber	Shumake
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Wright	Zerr
Mr. Speaker				

NOES: 042

Anders	Burns	Butler	Conway 10	Conway 104
Dunn	Ellington	Frame	Gardner	Harris
Hummel	Kirkton	Kratky	Lauer	Marshall
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Nichols	Norr	Otto
Parkinson	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Shull	Smith
Walton Gray	Webber			

PRESENT: 002

Carpenter Pace

ABSENT WITH LEAVE: 004

Franklin Funderburk Hodges Newman

VACANCIES: 004

Speaker Jones assumed the Chair.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **House Perfecting Amendment No. 1 to SS HCR 9**, and has taken up and passed **SS HCR 9, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 1326**, entitled:

An act to repeal sections 144.010, 262.900, 265.300, 267.565, 275.352, 277.020, 277.040, 281.065, 304.180, 340.381, 340.396, 442.571, and 537.325, RSMo, and to enact in lieu thereof seventeen new sections relating to agriculture, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HB 1468**, and requests the House take up and pass **SCS HB 1468**.

Mr Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate grants the House further conference on **SS HCS HB 1685**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 1689**, entitled:

An act to repeal sections 160.053, 160.054, 160.055, 163.011, and 163.031, RSMo, and to enact in lieu thereof six new sections relating to elementary and secondary education, with an effective date.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 2077**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SCS SB 492, as amended**, and has taken up and passed **CCS HCS SCS SB 492**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 615, as amended**, and has taken up and passed **CCS HCS SB 615**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report #2 on **HCS SB 621, as amended**, and has taken up and passed **CCS#2 HCS SB 621**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 723, as amended**, and requests the House recede from its position and take up and pass **SCS SB 723**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS#2 SB 754, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **House Amendment No. 1, House Amendment No. 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended**, and **House Amendment No. 4 to SCS SB 729** and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 852, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS SB 860, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

**SCS HCS HB 1831, as amended**, relating to child care facilities, was taken up by Representative Fitzpatrick.

Representative Fitzpatrick moved that the House refuse to adopt **SCS HCS HB 1831, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

**SS SCS HCS HB 1231, as amended**, relating to the administration of justice, was taken up by Representative Cox.

Representative Cox moved that the House refuse to adopt **SS SCS HCS HB 1231, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference and that the House conferees be allowed to exceed the differences on Sections 478.320, 478.437, 478.464, 478.513, 478.600 and 478.740.

Which motion was adopted.

#### **BILLS CARRYING REQUEST MESSAGES**

**SCS SB 729, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 1 to House Amendment No. 3, House Amendment 3, as amended, and House Amendment No. 4**, relating to a tax credit for donations to innovation campuses, was taken up by Representative Lauer.

Representative Lauer moved that the House refuse to recede from its position on **House Amendment No. 1, House Amendment No. 2, House Amendment No. 1 to House Amendment No. 3, House Amendment 3, as amended, and House Amendment No. 4 to SCS SB 729**, and grant the Senate a conference.

Which motion was adopted.

**HCS SCS SB 852, as amended**, relating to public safety, was taken up by Representative Rhoads.

Representative Rhoads moved that the House refuse to recede from its position on **HCS SCS SB 852, as amended**, and grant the Senate a conference.

Which motion was adopted.

**HCS SS#2 SB 754, as amended**, relating to health care, was taken up by Representative Flanigan.

Representative Flanigan moved that the House refuse to recede from its position on **HCS SS#2 SB 754, as amended**, and grant the Senate a conference.

Which motion was adopted.

**HCS SS SB 860, as amended**, relating to taxation, was taken up by Representative Crawford.

Representative Crawford moved that the House refuse to recede from its position on **HCS SS SB 860, as amended**, and grant the Senate a conference.

Which motion was adopted.

### **RE-APPOINTMENT OF CONFERENCE COMMITTEE**

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

**SS HCS HB 1685:** Representatives Neely, Richardson and Mitten

### **APPOINTMENT OF CONFERENCE COMMITTEES**

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

**SCS SB 729:** Representatives Lauer, Fitzwater and Kratky

**HCS SS#2 SB 754:** Representatives Flanigan, Richardson and Kelly (45)

**HCS SCS SB 852:** Representatives Rhoads, Hinson and Rizzo

**HCS SS SB 860:** Representatives Crawford, Diehl and Carpenter

On motion of Representative Diehl, the House recessed until 2:45 p.m.

### **AFTERNOON SESSION**

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

Representative Diehl suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 057

Allen	Austin	Bernskoetter	Cierpiot	Conway 104
Cookson	Cox	Crawford	Diehl	Dugger
Entlicher	Fitzpatrick	Frame	Frederick	Gannon
Gatschenberger	Guemsey	Haahr	Haefner	Hampton
Houghton	Hubbard	Hurst	Johnson	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Kratky	Leara	Lichtenegger	McCaherty	Messenger
Montecillo	Morris	Muntzel	Neth	Parkinson
Pfäutsch	Phillips	Richardson	Riddle	Ross

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Rowden	Shull	Shumake	Solon	Swan
Thomson	Torpey	White	Wieland	Wood
Wright	Mr. Speaker			

NOES: 000

PRESENT: 036

Anderson	Bahr	Berry	Colona	Comejo
Davis	English	Gosen	Hansen	Higdon
Hummel	Jones 50	Kelly 45	Kirkton	Lair
Lant	Lynch	McCann Beatty	McGaugh	McManus
Miller	Moon	Neely	Nichols	Norr
Otto	Pace	Pogue	Rehder	Reiboldt
Remole	Roorda	Rowland	Sommer	Spencer
Walker				

ABSENT WITH LEAVE: 066

Anders	Barnes	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Conway 10
Cross	Curtis	Curtman	Dohman	Dunn
Ellington	Elmer	Engler	Englund	Fitzwater
Flanigan	Fraker	Franklin	Funderburk	Gardner
Grisamore	Harris	Hicks	Hinson	Hodges
Hoskins	Hough	LaFaver	Lauer	Love
Marshall	May	Mayfield	McDonald	McKenna
McNeil	Meredith	Mims	Mitten	Molendorp
Morgan	Newman	Peters	Pierson	Pike
Redmon	Rhoads	Rizzo	Runions	Schamhorst
Schatz	Schieber	Schieffer	Schupp	Smith
Stream	Swearingen	Walton Gray	Webber	Wilson
Zerr				

VACANCIES: 004

## COMMITTEE REPORTS

### **Committee on Fiscal Review, Chairman Flanigan reporting:**

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SB 664**, 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 SCS SB 680**, 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#2 SCS SB 777**, 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 SS SB 869**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**THIRD READING OF SENATE BILLS**

**HCS SCS SB 896**, relating to county governance, was taken up by Representative Engler.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 896, Page 1, in the title, Line 5, by deleting "and 132" and inserting in lieu thereof "to 133"; and

Further amend said bill, Page 13, Section B, Line 2, by deleting "and 132" and inserting in lieu thereof "to 133"; and

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

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

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 089

Allen	Anderson	Austin	Bahr	Bemskoetter
Brown	Burlison	Conway 104	Cookson	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fraker	Frederick	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Higdon
Hoskins	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Koman	Lair	Lant	Lauer	Leara
Lichtenegger	Lynch	McCaherty	McGaugh	Messenger
Miller	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pogue
Redmon	Rehder	Reiboldt	Remole	Richardson
Riddle	Ross	Rowden	Rowland	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Swan	Torpey	Walker	White
Wieland	Wilson	Wood	Mr. Speaker	

NOES: 042

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

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PRESENT: 000

ABSENT WITH LEAVE: 028

Barnes	Berry	Brattin	Cierpiot	Conway 10
Comejo	Dugger	Ellington	Franklin	Funderburk
Gardner	Hinson	Hodges	Hough	Love
Marshall	Mayfield	Molendorp	Newman	Peters
Pike	Rhoads	Schamhorst	Smith	Stream
Thomson	Webber	Zerr		

VACANCIES: 004

On motion of Representative Engler, **HCS SCS SB 896, as amended**, was adopted.

On motion of Representative Engler, **HCS SCS SB 896, as amended**, was read the third time and passed by the following vote:

AYES: 108

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brown	Burlison
Carpenter	Conway 10	Conway 104	Cookson	Comejo
Cox	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fraker	Frederick	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeier	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Lynch
May	McCaherty	McDonald	McGaugh	McKenna
McManus	Meredith	Messenger	Miller	Mims
Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Redmon	Rehder
Reiboldt	Remole	Richardson	Riddle	Rizzo
Rowden	Rowland	Runions	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Torpey	Walker	Walton Gray	Webber
White	Wieland	Wood		

NOES: 032

Burns	Butler	Colona	Curtman	Dunn
Frame	Hubbard	Hummel	Hurst	Johnson
Marshall	McCann Beatty	McNeil	Mitten	Montecillo
Moon	Morgan	Nichols	Norr	Otto
Pace	Peters	Pierson	Pogue	Roorda
Ross	Schieber	Schieffer	Schupp	Wilson
Wright	Mr. Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 019

Barnes	Brattin	Cierpiot	Ellington	Franklin
Funderburk	Gardner	Grisamore	Hodges	Love
Mayfield	Newman	Pike	Rhoads	Schamhorst
Schatz	Smith	Thomson	Zerr	

VACANCIES: 004

Speaker Jones declared the bill passed.

**HCS SCS SB 664**, relating to natural resources, was taken up by Representative Miller.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 664, Page 6, Section 444.772, Line 108, by inserting after all of said section and line the following:

- "537.296. 1. As used in this section, the following terms mean:
- (1) "Claimant", a person who asserts a claim of private nuisance;
  - (2) "Fair market value", the price that a buyer who is willing but not compelled to buy would pay and a seller who is willing but not compelled to sell would accept for property;
  - (3) "Fair rental value", the price a lessee who is willing but not compelled to lease would pay and a lessor who is willing but not compelled to lease would accept;
  - (4) "Ownership interest", holding legal or equitable title to property in fee or, in a life, or in a leasehold interest;
  - (5) "Possessory interest", lawfully possessing property but does not include mere occupancy;
  - (6) "Property", real property.
2. The exclusive compensatory damages that may be awarded to a claimant for a private nuisance where the alleged nuisance emanates from property primarily used for crop or animal production purposes shall be as follows:
- (1) If the nuisance is a permanent nuisance, compensatory damages shall be measured by the reduction in the fair market value of the claimant's property caused by the nuisance, but not to exceed the fair market value of the property;
  - (2) If the nuisance is a temporary nuisance, compensatory damages shall be measured by the diminution in the fair rental value of the claimant's property caused by the nuisance;
  - (3) If the nuisance is shown by objective and documented medical evidence to have caused a medical condition to claimant, compensatory damages arising from that medical condition may be awarded in addition to the exclusive damages permitted under subdivisions (1) and (2) of this subsection.
3. Concerning a private nuisance where the alleged nuisance emanates from property primarily used for crop or animal production purposes, if any claimant or claimant's successor with ownership interest brings any subsequent claim against the same defendant or defendant's successors for temporary nuisance related to a similar activity or use of the defendant's property, and such activity or use of property is deemed a nuisance, the activity or use of property at issue shall be considered a permanent nuisance and such claimant and claimant's successors shall be limited to and bound by the remedies available for a permanent nuisance.
4. If a defendant in a private nuisance case where the nuisance is alleged to emanate from property used for crop or animal production purposes demonstrates a good faith effort to abate a condition that is determined to constitute a nuisance, the nuisance shall be deemed to be not capable of abatement. Substantial compliance with a court order regarding such property shall constitute such a good faith effort as a matter of law.
5. Concerning a private nuisance where the alleged nuisance emanates from property primarily used for crop or animal production purposes, no person shall have standing to bring an action for private nuisance unless the person has an ownership interest in the property alleged to be affected by the nuisance.

6. Nothing in this section shall:

(1) Prohibit a person from recovering damages for annoyance, discomfort, sickness, or emotional distress; provided that such damages are awarded on the basis of other causes of action independent of a claim of nuisance; or

(2) Prohibit the recovery of any damages, direct, consequential, or otherwise, resulting from or relating to crop destruction, crop damage, contamination of the seed supply, or a diminution of crop value resulting from contamination of the seed or grain supply, herbicide drift, or other diminution of crop value.

7. If any party requests the court or jury visit the property alleged to be affected by the nuisance in an action for private nuisance where the amount in controversy exceeds one million dollars, the court or jury shall visit the property.

8. A copy of the final judgment in any action alleging a private nuisance shall be filed with the recorder of deeds in the county in which the final judgment was issued and shall operate as notice to any purchaser of the claimant's property that the property was related to a previous claim for nuisance.

**9. No action shall be brought under this section if the owner of the property that is the defendant of the action is in good faith compliance with any order or permit issued by the department of natural resources, the United State Environmental Protection Agency, or the office of the attorney general.";** and

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

Speaker Pro Tem Hoskins resumed the Chair.

Representative Ross moved that **House Amendment No. 1** be adopted.

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

AYES: 053

Allen	Anderson	Bahr	Brattin	Brown
Burlison	Conway 104	Cox	Crawford	Curtman
Diehl	Dugger	Elmer	Engler	Entlicher
Fitzwater	Fraker	Frederick	Gatschenberger	Gosen
Guemsey	Haahr	Haefner	Hansen	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Keeney	Koenig	Kolkmeier	Korman	Lichtenegger
Love	McGaugh	Moon	Morris	Parkinson
Pogue	Redmon	Remole	Richardson	Ross
Rowland	Schatz	Shumake	Spencer	Stream
Swan	Walker	Mr. Speaker		

NOES: 084

Anders	Austin	Bemskoetter	Bery	Black
Bums	Butler	Carpenter	Colona	Conway 10
Comejo	Cross	Curtis	Davis	Dohrman
Dunn	English	Englund	Frame	Gannon
Gardner	Grisamore	Hampton	Harris	Hicks
Higdon	Hubbard	Hummel	Justus	Kelly 45
Kirkton	Kratky	Lair	Lant	Lauer
Leara	Lynch	Marshall	Mayfield	McCaherty
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Miller	Mims	Mitten	Molendorp
Montecillo	Morgan	Neely	Neth	Nichols
Norr	Otto	Pace	Peters	Pfautsch
Phillips	Pierson	Reiboldt	Riddle	Rizzo
Roorda	Runions	Schieber	Schieffer	Schupp

Shull	Smith	Solon	Sommer	Swearingen
Thomson	Torpey	Walton Gray	Webber	White
Wieland	Wilson	Wood	Wright	

PRESENT: 002

Kelley 127 Muntzel

ABSENT WITH LEAVE: 020

Barnes	Cierpiot	Cookson	Ellington	Fitzpatrick
Flanigan	Franklin	Funderburk	Hodges	Jones 50
LaFaver	May	Messenger	Newman	Pike
Rehder	Rhoads	Rowden	Schamhorst	Zerr

VACANCIES: 004

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

### *House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 664, Pages 3-6, Section 444.772, Lines 1-108, by deleting all of said section and lines from the bill; and

Further amend said bill, Page 8, Section 644.058, Line 9, by inserting after all of said section and line the following:

"644.145. 1. When issuing permits under this chapter that incorporate a new requirement for discharges from publicly owned combined or separate sanitary or storm sewer systems or treatment works, or when enforcing provisions of this chapter or the Federal Water Pollution Control Act, 33 U.S.C. 1251, et seq., pertaining to any portion of a publicly owned combined or separate sanitary or storm sewer system or treatment works, the department of natural resources shall make a finding of affordability **on the costs to be incurred and the impact of any rate changes on ratepayers** upon which to base such permits and decisions, to the extent allowable under this chapter and the Federal Water Pollution Control Act.

2. (1) The department of natural resources shall not be required under this section to make a finding of affordability when:

(a) Issuing collection system extension permits;

(b) Issuing National Pollution Discharge Elimination System operating permit renewals which include no new environmental requirements; or

(c) The permit applicant certifies that the applicable requirements are affordable to implement or otherwise waives the requirement for an affordability finding; however, at no time shall the department require that any applicant certify, as a condition to approving any permit, administrative or civil action, that a requirement, condition, or penalty is affordable.

(2) The exceptions provided under paragraph (c) of subdivision (1) of this subsection do not apply when the community being served has less than three thousand three hundred residents.

3. When used in this chapter and in standards, rules and regulations promulgated pursuant to this chapter, the following words and phrases mean:

(1) "Affordability", with respect to payment of a utility bill, a measure of whether an individual customer or household **with an income equal to the lower of the median household income for their community or the state of Missouri** can pay the bill without undue hardship or unreasonable sacrifice in the essential lifestyle or spending patterns of the individual or household, taking into consideration the criteria described in subsection 4 of this section;

(2) "Financial capability", the financial capability of a community to make investments necessary to make water quality-related improvements;

(3) "**Finding of affordability**", a department statement as to whether an individual or a household receiving as income an amount equal to the lower of the median household income for the applicant

community or the state of Missouri would be required to make unreasonable sacrifices in their essential lifestyle or spending patterns or undergo hardships in order to make the projected monthly payments for sewer services. The department shall make a statement that the proposed changes meet the definition of affordable, or fail to meet the definition of affordable, or are implemented as a federal mandate regardless of affordability.

4. The department of natural resources shall adopt procedures by which it will make affordability findings that evaluate the affordability of permit requirements and enforcement actions described in subsection 1 of this section, and may begin implementing such procedures prior to promulgating implementing regulations. The commission shall have the authority to promulgate rules to implement this section pursuant to chapters 536 and 644, and shall promulgate such rules as soon as practicable. Affordability findings shall be based upon reasonably verifiable data and shall include an assessment of affordability with respect to persons or entities affected. The department shall offer the permittee an opportunity to review a draft affordability finding, and the permittee may suggest changes and provide additional supporting information, subject to subsection 6 of this section. The finding shall be based upon the following criteria:

- (1) A community's financial capability and ability to raise or secure necessary funding;
- (2) Affordability of pollution control options for the individuals or households **at or below the median household income level** of the community;
- (3) An evaluation of the overall costs and environmental benefits of the control technologies;
- (4) **Inclusion of ongoing costs of operating and maintaining the existing wastewater collection and treatment system, including payments on outstanding debts for wastewater collection and treatment systems when calculating projected rates;**

(5) An inclusion of ways to reduce economic impacts on distressed populations in the community, including but not limited to low- and fixed-income populations. This requirement includes but is not limited to:

(a) Allowing adequate time in implementation schedules to mitigate potential adverse impacts on distressed populations resulting from the costs of the improvements and taking into consideration local community economic considerations; and

(b) Allowing for reasonable accommodations for regulated entities when inflexible standards and fines would impose a disproportionate financial hardship in light of the environmental benefits to be gained;

[5] (6) An assessment of other community investments **and operating costs** relating to environmental improvements **and public health protection;**

[6] (7) An assessment of factors set forth in the United States Environmental Protection Agency's guidance, including but not limited to the "Combined Sewer Overflow Guidance for Financial Capability Assessment and Schedule Development" that may ease the cost burdens of implementing wet weather control plans, including but not limited to small system considerations, the attainability of water quality standards, and the development of wet weather standards; and

[7] (8) An assessment of any other relevant local community economic condition.

5. Prescriptive formulas and measures used in determining financial capability, affordability, and thresholds for expenditure, such as median household income, should not be considered to be the only indicator of a community's ability to implement control technology and shall be viewed in the context of other economic conditions rather than as a threshold to be achieved.

6. Reasonable time spent preparing draft affordability findings, allowing permittees to review draft affordability findings or draft permits, or revising draft affordability findings, shall be allowed in addition to the department's deadlines for making permitting decisions pursuant to section 644.051.

7. If the department of natural resources fails to make a finding of affordability where required by this section, then the resulting permit or decision shall be null, void and unenforceable.

8. The department of natural resources' findings under this section may be appealed to the commission pursuant to subsection 6 of section 644.051.

9. **The department shall file an annual report by the beginning of the fiscal year with the governor, the speaker of the house of representatives, the president pro tempore of the senate, and the chairs of the committees in both houses having primary jurisdiction over natural resource issues showing at least the following information on the findings of affordability completed in the previous calendar year:**

(1) **The total number of findings of affordability issued by the department, those categorized as affordable, those categorized as not meeting the definition of affordable, and those implemented as a federal mandate regardless of affordability;**

(2) The average increase in sewer rates both in dollars and percentage for all findings found to be affordable;

(3) The average increase in sewer rates as a percentage of median house income in the communities for those findings determined to be affordable and a separate calculation of average increases in sewer rates for those found not to meet the definition of affordable;

(4) A list of all the permit holders receiving findings, and for each permittee the following data taken from the finding of affordability shall be listed:

(a) Current and projected monthly residential sewer rates in dollars;

(b) Projected monthly residential sewer rates as a percentage of median house income;

(c) Percentage of households at or below the state poverty rate."; 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: 088

Allen	Anderson	Austin	Bahr	Bemskoetter
Berry	Brattin	Brown	Burlison	Conway 104
Cookson	Comejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohman	Dugger
Fitzpatrick	Fitzwater	Frederick	Gannon	Gatschenberger
Gosen	Grisamore	Guemsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hoskins
Houghton	Hurst	Johnson	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pogue	Redmon
Reiboldt	Remole	Richardson	Riddle	Ross
Rowden	Rowland	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Mr. Speaker		

NOES: 046

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	English
Englund	Frame	Gardner	Harris	Hubbard
Hummel	Kirkton	Kratky	LaFaver	Marshall
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith	Swearingen
Webber				

PRESENT: 000

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ABSENT WITH LEAVE: 025

Barnes	Cierpiot	Ellington	Elmer	Engler
Entlicher	Flanigan	Fraker	Franklin	Funderburk
Hinson	Hodges	Hough	Jones 50	Kelly 45
McCaherty	Newman	Pike	Rehder	Rhoads
Schamhorst	Schatz	Walton Gray	Wright	Zerr

VACANCIES: 004

On motion of Representative Miller, **HCS SCS SB 664, as amended**, was adopted.

On motion of Representative Miller, **HCS SCS SB 664, as amended**, was read the third time and passed by the following vote:

AYES: 097

Allen	Anderson	Austin	Bahr	Bemskoetter
Berry	Black	Brattin	Brown	Conway 10
Conway 104	Cookson	Comejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	English
Entlicher	Fitzpatrick	Fitzwater	Fraker	Frederick
Gannon	Gatschenberger	Gosen	Grisamore	Guemsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hoskins	Houghton	Hurst
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Kratky	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McGaugh
McKenna	Messenger	Miller	Morris	Neely
Neth	Nichols	Parkinson	Pfautsch	Phillips
Redmon	Rehder	Reiboldt	Remole	Richardson
Riddle	Roorda	Rowden	Rowland	Runions
Schatz	Schieffer	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Torpey
Walker	White	Wieland	Wilson	Wood
Wright	Mr. Speaker			

NOES: 040

Anders	Burlison	Burns	Butler	Carpenter
Colona	Dunn	Englund	Frame	Gardner
Hubbard	Hummel	Johnson	Kirkton	LaFaver
Marshall	Mayfield	McCann Beatty	McDonald	McManus
McNeil	Meredith	Mitten	Molendorp	Montecillo
Moon	Morgan	Norr	Pace	Peters
Pierson	Pogue	Rizzo	Ross	Schieber
Schupp	Smith	Swearingen	Walton Gray	Webber

PRESENT: 000

ABSENT WITH LEAVE: 022

Barnes	Cierpiot	Ellington	Flanigan	Franklin
Funderburk	Hinson	Hodges	Hough	Jones 50
Kelly 45	May	McCaherty	Mims	Muntzel

Newman                      Otto                              Pike                              Rhoads                      Schamhorst  
Thomson                      Zerr

VACANCIES: 004

Speaker Pro Tem Hoskins declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 081

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Brown	Carpenter	Conway 104
Comejo	Cox	Crawford	Cross	Curtis
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzwater	Fraker	Gannon
Gosen	Grisamore	Guemsey	Hampton	Harris
Hicks	Hoskins	Houghton	Keeney	Kelley 127
Kelly 45	Kolkmeier	Korman	LaFaver	Lair
Lant	Lauer	Lichtenegger	Love	Lynch
McGaugh	McKenna	Messenger	Miller	Morris
Muntzel	Neth	Nichols	Otto	Päutsch
Phillips	Redmon	Rehder	Reiboldt	Remole
Richardson	Riddle	Roorda	Rowden	Rowland
Runions	Schieffer	Shull	Shumake	Solon
Sommer	Stream	Swan	Torpey	Walker
Webber	White	Wieland	Wood	Wright
Mr. Speaker				

NOES: 055

Black	Brattin	Burlison	Burns	Butler
Colona	Conway 10	Curtman	Dunn	English
Englund	Fitzpatrick	Frame	Frederick	Gardner
Gatschenberger	Haahr	Hansen	Higdon	Hubbard
Hummel	Hurst	Johnson	Justus	Kirkton
Koenig	Kratky	Leara	Marshall	May
Mayfield	McCann Beatty	McDonald	McManus	McNeil
Meredith	Mims	Mitten	Molendorp	Montecillo
Moon	Morgan	Norr	Pace	Parkinson
Peters	Pierson	Pogue	Ross	Schieber
Schupp	Spencer	Swearingen	Walton Gray	Wilson

PRESENT: 000

ABSENT WITH LEAVE: 023

Barnes	Cierpiot	Cookson	Ellington	Flanigan
Franklin	Funderburk	Haefner	Hinson	Hodges
Hough	Jones 50	McCaherty	Neely	Newman
Pike	Rhoads	Rizzo	Schamhorst	Schatz
Smith	Thomson	Zerr		

VACANCIES: 004

**HCS SB 584**, relating to taxation, was taken up by Representative Burlison.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 584, Page 11, Section 144.010, Line 91, by deleting the numbers, "**(20) or (21)**" and inserting in lieu thereof the numbers, "**(20), (21), or (22)**"; and

Further amend said bill, Page 13, Section 144.018, Line 18, by deleting all of said line and inserting in lieu thereof the following:

"the amount paid for admissions or seating accommodations[, or fees paid] to[, or in] such place of"; and

Further amend said bill, page, section, Line 32, by inserting after the word, "**accommodations, or**" the following words, "**charges or**"; and

Further amend said bill, page, section, Line 33, by deleting the numbers, "**(20) or (21)**" and inserting in lieu thereof the numbers, "**(20), (21), or (22)**"; and

Further amend said bill, Page 15, Section 144.020, Line 24, by deleting the numbers, "**(20) or (21)**" and inserting in lieu thereof the numbers, "**(20), (21), or (22)**"; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 584, Page 9, Section 143.221, Line 28, by inserting after said section and line the following:

"143.451. 1. Missouri taxable income of a corporation shall include all income derived from sources within this state.

2. A corporation described in subdivision (1) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income from sources within this state, including that from the transaction of business in this state and that from the transaction of business partly done in this state and partly done in another state or states. However:

(1) Where income results from a transaction partially in this state and partially in another state or states, and income and deductions of the portion in the state cannot be segregated, then such portions of income and deductions shall be allocated in this state and the other state or states as will distribute to this state a portion based upon the portion of the transaction in this state and the portion in such other state or states.

(2) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner, or the manner set forth in subdivision (3) of this subsection:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state.

(b) The amount of sales which are transactions wholly in this state shall be added to one-half of the amount of sales which are transactions partly within this state and partly without this state, and the amount thus obtained shall be divided by the total sales or in cases where sales do not express the volume of business, the amount of business transacted wholly in this state shall be added to one-half of the amount of business transacted partly in this state and partly outside this state and the amount thus obtained shall be divided by the total amount of business

transacted, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction.

(c) For the purposes of this subdivision, a transaction involving the sale of tangible property is:

a. "Wholly in this state" if both the seller's shipping point and the purchaser's destination point are in this state;

b. "Partly within this state and partly without this state" if the seller's shipping point is in this state and the purchaser's destination point is outside this state, or the seller's shipping point is outside this state and the purchaser's destination point is in this state;

c. Not "wholly in this state" or not "partly within this state and partly without this state" only if both the seller's shipping point and the purchaser's destination point are outside this state.

(d) For purposes of this subdivision:

a. The purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale; and

b. The seller's shipping point is determined without regard to the location of the seller's principle office or place of business.

(3) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state;

(b) The amount of sales which are transactions in this state shall be divided by the total sales, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction;

(c) For the purposes of this subdivision, a transaction involving the sale of tangible property is:

a. "In this state" if the purchaser's destination point is in this state;

b. Not "in this state" if the purchaser's destination point is outside this state;

(d) For purposes of this subdivision, the purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale and shall not be in this state if the purchaser received the tangible personal property from the seller in this state for delivery to the purchaser's location outside this state;

**(e) For the purposes of this subdivision, a transaction involving the sale other than the sale of tangible property is "in this state" if the taxpayer's market for the sales is in this state. The taxpayer's market for sales is in this state:**

**a. In the case of sale, rental, lease, or license of real property, if and to the extent the property is located in this state;**

**b. In the case of rental, lease, or license of tangible personal property, if and to the extent the property is located in this state;**

**c. In the case of sale of a service, if and to the extent the benefit of the service is delivered to a purchaser location in this state; and**

**d. In the case of intangible property:**

**(i) That is rented, leased, or licensed, if and to the extent the property is used in this state by the rentee, lessee, or licensee, provided that intangible property utilized in marketing a good or service to a consumer is "used in this state" if that good or service is purchased by a consumer who is in this state. Franchise fees or royalties received for the rent, lease, license, or use of a trade name, trademark, service mark, or franchise system or provides a right to conduct business activity in a specific geographic area are "used in this state" to the extent the franchise location is in this state; and**

**(ii) That is sold, if and to the extent the property is used in this state, provided that:**

**i. A contract right, government license, or similar intangible property that authorizes the holder to conduct a business activity in a specific geographic area is "used in this state" if the geographic area includes all or part of this state;**

**ii. Receipts from intangible property sales that are contingent on the productivity, use, or disposition of the intangible property shall be treated as receipts from the rental, lease, or licensing of such intangible property under item (i) of this subparagraph; and**

**iii. All other receipts from a sales of intangible property shall be excluded from the numerator and denominator of the sales factor;**

**(f) If the state or states of assignment under paragraph (e) of this subdivision cannot be determined, the state or states of assignment shall be reasonably approximated;**

**(g) If the state of assignment cannot be determined under paragraph (e) of this subdivision or reasonably approximated under paragraph (f) of this subdivision, such sales shall be excluded from the denominator of the sales factor;**

**(h) The director may prescribe such rules and regulations as necessary or appropriate to carry out the purposes of this section.**

(4) For purposes of this subsection, the following words shall, unless the context otherwise requires, have the following meaning:

(a) "Administration services" include, but are not limited to, clerical, fund or shareholder accounting, participant record keeping, transfer agency, bookkeeping, data processing, custodial, internal auditing, legal and tax services performed for an investment company;

(b) "Affiliate", the meaning as set forth in 15 U.S.C. Section 80a-2(a)(3)(C), as may be amended from time to time;

(c) "Distribution services" include, but are not limited to, the services of advertising, servicing, marketing, underwriting or selling shares of an investment company, but, in the case of advertising, servicing or marketing shares, only where such service is performed by a person who is, or in the case of a closed end company, was, either engaged in the services of underwriting or selling investment company shares or affiliated with a person that is engaged in the service of underwriting or selling investment company shares. In the case of an open end company, such service of underwriting or selling shares must be performed pursuant to a contract entered into pursuant to 15 U.S.C. Section 80a-15(b), as from time to time amended;

(d) "Investment company", any person registered under the federal Investment Company Act of 1940, as amended from time to time, (the act) or a company which would be required to register as an investment company under the act except that such person is exempt to such registration pursuant to Section 80a-3(c)(1) of the act;

(e) "Investment funds service corporation" includes any corporation or S corporation doing business in the state which derives more than fifty percent of its gross income in the ordinary course of business from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. An investment funds service corporation shall include any corporation or S corporation providing management services as an investment advisory firm registered under Section 203 of the Investment Advisors Act of 1940, as amended from time to time, regardless of the percentage of gross revenues consisting of fees from management services provided to or on behalf of an investment company;

(f) "Management services" include but are not limited to, the rendering of investment advice directly or indirectly to an investment company making determinations as to when sales and purchases of securities are to be made on behalf of the investment company, or the selling or purchasing of securities constituting assets of an investment company, and related activities, but only where such activity or activities are performed:

a. Pursuant to a contract with the investment company entered into pursuant to 15 U.S.C. Section 80a-15(a), as from time to time amended;

b. For a person that has entered into such contract with the investment company; or

c. For a person that is affiliated with a person that has entered into such contract with an investment company;

(g) "Qualifying sales", gross income derived from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. For purposes of this section, "gross income" is defined as that amount of income earned from qualifying sources without deduction of expenses related to the generation of such income;

(h) "Residence", presumptively the fund shareholder's mailing address on the records of the investment company. If, however, the investment company or the investment funds service corporation has actual knowledge that the fund shareholder's primary residence or principal place of business is different than the fund shareholder's mailing address such presumption shall not control. To the extent an investment funds service corporation does not have access to the records of the investment company, the investment funds service corporation may employ reasonable methods to determine the investment company fund shareholder's residence.

(5) Notwithstanding other provisions of law to the contrary, qualifying sales of an investment funds service corporation, or S corporation, shall be considered wholly in this state only to the extent that the fund shareholders of the investment companies, to which the investment funds service corporation, or S corporation, provide services, are resided in this state. Wholly in this state qualifying sales of an investment funds service corporation, or S corporation, shall be determined as follows:

(a) By multiplying the investment funds service corporation's total dollar amount of qualifying sales from services provided to each investment company by a fraction, the numerator of which shall be the average of the number of shares owned by the investment company's fund shareholders resided in this state at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year, and the denominator of which shall be the average of the number of shares owned by the investment company's fund shareholders everywhere at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year;

(b) A separate computation shall be made to determine the wholly in this state qualifying sales from each investment company. The qualifying sales for each investment company shall be multiplied by the respective percentage of each fund, as calculated pursuant to paragraph (a) of this subdivision. The product of this equation shall result in the wholly in this state qualifying sales. The qualifying sales for each investment company which are not wholly in this state will be considered wholly without this state;

(c) To the extent an investment funds service corporation has sales which are not qualifying sales, those nonqualified sales shall be apportioned to this state based on the methodology utilized by the investment funds service corporation without regard to this subdivision.

3. Any corporation described in subdivision (1) of subsection 1 of section 143.441 organized in this state or granted a permit to operate in this state for the transportation or care of passengers shall report its gross earnings within the state on intrastate business and shall also report its gross earnings on all interstate business done in this state which report shall be subject to inquiry for the purpose of determining the amount of income to be included in Missouri taxable income. The previous sentence shall not apply to a railroad.

4. A corporation described in subdivision (2) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources in this state and all income from each transportation service wholly within this state, from each service where the only lines of such corporation used are those in this state, and such proportion of revenue from each service where the facilities of such corporation in this state and in another state or states are used, as the mileage used over the lines of such corporation in the state shall bear to the total mileage used over the lines of such corporation. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year of any fixed transportation facilities, real estate and improvements in this state leased from any other railroad shall be divided by the sum of the total amount of investment of such corporation on December thirty-first of each year in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year, of any fixed transportation facilities, real estate and improvements leased from any other railroad. Where any fixed transportation facilities, real estate or improvements are leased by more than one railroad, such portion of the value shall be used by each railroad as the rental paid by each shall bear to the rental paid by all lessees. The income shall be multiplied by the fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

5. A corporation described in subdivision (3) of subsection 1 of section 143.441 shall include in its Missouri taxable income one-half of the net income from the operation of a bridge between this and another state. If any such bridge is owned or operated by a railroad corporation or corporations, or by a corporation owning a railroad corporation using such bridge, then the figures for operation of such bridge may be included in the return of such railroad or railroads; or if such bridge is owned or operated by any other corporation which may now or hereafter be required to file an income tax return, one-half of the income or loss to such corporation from such bridge may be included in such return by adding or subtracting same to or from another net income or loss shown by the return.

6. A corporation described in subdivision (4) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources within this state. Income shall include revenue from each telephonic or telegraphic service rendered wholly within this state; from each service rendered for which the only facilities of such corporation used are those in this state; and from each service rendered over the facilities of

such corporation in this state and in other state or states, such proportion of such revenue as the mileage involved in this state shall bear to the total mileage involved over the lines of said company in all states. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in telephonic or telegraphic facilities, real estate and improvements thereon, shall be divided by the amount of the total investment of such corporation on December thirty-first of each year in telephonic or telegraphic facilities, real estate and improvements. The income of the taxpayer shall be multiplied by fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

7. From the income determined in subsections 2, 3, 4, 5 and 6 of this section to be from all sources within this state shall be deducted such of the deductions for expenses in determining Missouri taxable income as were incurred in this state to produce such income and all losses actually sustained in this state in the business of the corporation.

8. If a corporation derives only part of its income from sources within Missouri, its Missouri taxable income shall only reflect the effect of the following listed deductions to the extent applicable to Missouri. The deductions are: (a) its deduction for federal income taxes pursuant to section 143.171, and (b) the effect on Missouri taxable income of the deduction for net operating loss allowed by Section 172 of the Internal Revenue Code. The extent applicable to Missouri shall be determined by multiplying the amount that would otherwise affect Missouri taxable income by the ratio for the year of the Missouri taxable income of the corporation for the year divided by the Missouri taxable income for the year as though the corporation had derived all of its income from sources within Missouri. For the purpose of the preceding sentence, Missouri taxable income shall not reflect the listed deductions.

9. Any investment funds service corporation organized as a corporation or S corporation which has any shareholders resided in this state shall be subject to Missouri income tax as provided in this chapter."; and

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

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Bill No. 584, Pages 1-4, Section 67.585, Lines 1-116, by deleting all of said section and said lines; and

Further amend said bill, Page 27, Section 144.058, Line 1, by inserting before the phrase "**In addition**" the following:

"**1.**"; and

Further amend said page and said section, Line 11, by inserting after all of said line the following:

"**2. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525, 144.600 to 144.761, 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525, 144.600 to 144.761, 238.235, and the local sales tax law as defined in section 32.085, electrical energy, machinery, equipment, parts, and materials used or consumed in connection with or to facilitate the storage or processing of data in any facility or part of a facility that is used primarily for such data storage or processing. "Processing", as used in this section, shall mean any action or process performed upon or using data in any form.**"; and

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

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

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

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Bill No. 584, Page 32, Section 144.190, Line 128, by inserting after all of said line the following:

"221.407. 1. The commission of any regional jail district may impose, by order, a sales tax in the amount of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, or one-half of one percent on all retail sales made in such region which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525 for the purpose of providing jail services and court facilities and equipment for such region. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no order imposing a sales tax pursuant to this section shall be effective unless the commission submits to the voters of the district, on any election date authorized in chapter 115, a proposal to authorize the commission to impose a tax.

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

Shall the regional jail district of ..... (counties' names) impose a region-wide sales tax of ..... (insert amount) for the purpose of providing jail services and court facilities and equipment for the region?

YES  NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of the proposal, then the order and any amendment to such order shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If the proposal receives less than the required majority, the commission shall have no power to impose the sales tax authorized pursuant to this section unless and until the commission shall again have submitted another proposal to authorize the commission to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the district voting on such proposal; however, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last submission of a proposal pursuant to this section.

3. All revenue received by a district from the tax authorized pursuant to this section shall be deposited in a special trust fund and shall be used solely for providing jail services and court facilities and equipment for such district for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or terminated by any means, all funds remaining in the special trust fund shall be used solely for providing jail services and court facilities and equipment for the district. Any funds in such special trust fund which are not needed for current expenditures may be invested by the commission in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any district, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "Regional Jail District Sales Tax Trust Fund". The moneys in the regional jail district sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of each member county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district which levied the tax. Such funds shall be deposited with the treasurer of each such district, and all expenditures of funds arising from the regional jail district sales tax trust fund shall be paid pursuant to an appropriation adopted by the commission and shall be approved by the commission. Expenditures may be made from the fund for any function authorized in the order adopted by the commission submitting the regional jail district tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such districts. If any district abolishes the tax, the commission shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director of revenue shall remit the balance in the account to the district and close the account of that district. The director of revenue shall notify each district in each instance of any amount refunded or any check redeemed from receipts due the district.

7. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

8. The provisions of this section shall expire September 30, [2015] **2027.**"; 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 offered **House Amendment No. 5.**

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Bill No. 584, Page 5, Section 136.300, Line 13, by inserting after all of said section and line the following:

**"137.133. In any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, any correspondence by the assessor with a taxpayer requesting information from the taxpayer shall include the following statement in bold, fourteen point font: "Disclosure of information requested on this document is voluntary and not required by law. Any information disclosed may become public record." The provisions of this section shall not apply to requests for information required to be disclosed under sections 137.092 and 137.155.";** and

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

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

*House Amendment No. 1*

*to*

*House Amendment No. 5*

AMEND House Amendment No. 5 to House Committee Substitute for Senate Bill No. 584, Page 1, Line 9, by inserting immediately after said line the following:

"Further amend said bill, Page 8, Section 142.815, Lines 104-110, by deleting all of said lines and inserting in lieu thereof the following:

**"(9) Motor fuel delivered to any marina within this state that sells such fuel solely for use in any watercraft, as such term is defined in section 306.010, and not accessible to other motor vehicles, is exempt from the fuel tax imposed by this chapter. Any motor fuel distributor that delivers motor fuel to any marina in this state for use solely in any watercraft, as such term is defined in section 306.010, may claim the exemption provided in this subsection. Any motor fuel customer who purchases motor fuel for use in any**

watercraft, as such term is defined in section 306.010, at a location other than a marina within this state may claim the exemption provided in this subsection by filing a claim for refund of the fuel tax."; and"; and

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

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

On motion of Representative Diehl, **House Amendment No. 5, as amended**, was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 093

Allen	Anderson	Austin	Bahr	Bames
Bernskoetter	Berry	Brattin	Burlison	Conway 104
Cookson	Comejo	Cox	Crawford	Davis
Diehl	Dohrman	Dugger	Engler	Entlicher
Fitzpatrick	Fitzwater	Fraker	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	Kolkmeier	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pogue	Redmon	Rehder
Reiboldt	Remole	Richardson	Riddle	Ross
Rowden	Rowland	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Mr. Speaker		

NOES: 049

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

PRESENT: 000

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ABSENT WITH LEAVE: 017

Brown	Cierpiot	Cross	Curtman	Elmer
Flanigan	Franklin	Funderburk	Hodges	Kelly 45
Molendorp	Newman	Pike	Rhoads	Schamhorst
Stream	Zer			

VACANCIES: 004

On motion of Representative Burlison, **HCS SB 584, as amended**, was adopted.

On motion of Representative Burlison, **HCS SB 584, as amended**, was read the third time and passed by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Bames
Bernskoetter	Berry	Brattin	Burlison	Conway 104
Cookson	Cornejo	Cox	Crawford	Curtis
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Fraker
Frederick	Gannon	Gatschenberger	Gosen	Grisamore
Guemsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Kratky
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pogue	Redmon	Rehder	Reiboldt
Remole	Richardson	Riddle	Roorda	Ross
Rowden	Rowland	Schatz	Schieber	Schieffer
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Mr. Speaker

NOES: 045

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

PRESENT: 001

Hinson

ABSENT WITH LEAVE: 013

Brown	Cierpiot	Cross	Curtman	Flanigan
Franklin	Funderburk	Hodges	Newman	Pike
Rhoads	Scharnhorst	Zer		

VACANCIES: 004

Speaker Pro Tem Hoskins declared the bill passed.

**SB 844**, relating to the Shared Work Unemployment Compensation Program, was taken up by Representative Hough.

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

*House Amendment No. 1*

AMEND Senate Bill No. 844, Page 2, Section 288.500, Line 51, by deleting "[twenty] **ten**" and inserting in lieu thereof "twenty"; and

Further amend said section, Page 3, Line 52, by deleting "[forty] **sixty**" and inserting in lieu thereof "forty"; and

Further amend said section, Page 5, Line 143, by deleting all of said line and inserting in lieu thereof the following:

"at least twenty percent but not more than forty percent, with a"; and

Further amend said section, Page 6, Lines 186 and 187, be deleting said lines and inserting in lieu thereof the following:

"the account of the participating employer under the plan.] **Notwithstanding any other provision of this chapter, all benefits paid under a shared work plan which are chargeable to the participating employer or any other base period employer shall be charged to employers in the same manner as regular unemployment benefits are chargeable under chapter 288.**

18. An individual who has received all of the shared work benefits and"; and

Further amend said section and page, Line 191, by deleting "**18.**" and inserting in lieu thereof "**19.**"; 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 Hough, **SB 844, as amended**, was read the third time and passed by the following vote:

AYES: 143

Allen	Anders	Anderson	Austin	Bames
Bernskoetter	Bery	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Comejo
Cox	Crawford	Cross	Curtis	Davis

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Diehl	Dohrman	Dugger	Dunn	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fraker	Frame
Frederick	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Guemsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Morgan	Morris	Muntzel	Neely	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfautsch	Phillips	Pierson	Redmon	Rehder
Reiboldt	Remole	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Schatz	Schieffer	Schupp	Shull	Shumake
Smith	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webber	White	Wieland	Wilson
Wood	Wright	Mr. Speaker		

NOES: 004

Marshall	Moon	Pogue	Schieber
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PRESENT: 000

ABSENT WITH LEAVE: 012

Bahr	Curtman	Franklin	Funderburk	Hodges
Jones 50	Neth	Newman	Pike	Rhoads
Schamhorst	Zer			

VACANCIES: 004

Speaker Pro Tem Hoskins declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 139

Allen	Anders	Anderson	Austin	Bames
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Comejo
Cox	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dugger	Dunn	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fraker	Frame
Frederick	Gannon	Gardner	Gatschenberger	Gosen
Guemsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst

Johnson	Justus	Keeney	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Morgan
Morris	Muntzel	Neely	Nichols	Norr
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Redmon	Rehder	Reiboldt	Remole
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Schieffer	Schupp
Shull	Shumake	Smith	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webber	White
Wilson	Wood	Wright	Mr. Speaker	

NOES: 004

Marshall	Moon	Pogue	Schieber
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PRESENT: 000

ABSENT WITH LEAVE: 016

Bahr	Curtman	Franklin	Funderburk	Grisamore
Hodges	Jones 50	Neth	Newman	Otto
Pike	Rhoads	Schamhorst	Schatz	Wieland
Zerr				

VACANCIES: 004

**HCS SS SB 691**, relating to certain personal lines policy provisions, was taken up by Representative Elmer.

On motion of Representative Elmer, **HCS SS SB 691** was adopted.

On motion of Representative Elmer, **HCS SS SB 691** was read the third time and passed by the following vote:

AYES: 142

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bemskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Comejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dugger	Dunn	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzwater	Flanigan	Fraker	Frederick	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guemsey
Haahr	Haefner	Hansen	Harris	Hicks
Higdon	Hinson	Hoskins	Houghton	Hubbard
Hummel	Hurst	Johnson	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeier
Korman	Kratky	LaFaver	Lair	Lant

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Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pogue	Redmon	Rehder
Reiboldt	Remole	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Schieber	Schieffer	Schupp	Shull	Shumake
Smith	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webber	White	Wieland	Wilson	Wood
Wright	Mr. Speaker			

NOES: 001

Frame

PRESENT: 000

ABSENT WITH LEAVE: 016

Cookson	Dohrman	Fitzpatrick	Franklin	Funderburk
Hampton	Hodges	Hough	Jones 50	Newman
Pike	Rhoads	Schamhorst	Schatz	Solon
Zerr				

VACANCIES: 004

Speaker Pro Tem Hoskins declared the bill passed.

**HCS#2 SCS SB 777**, relating to business incentives, was taken up by Representative Torpey.

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

*House Amendment No. 1*

AMEND House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 777, Pages 1-6, Sections 67.2050, 135.1670, and 137.100, Pages 23-24, Section 144.083, Pages 25-31, Section 144.810, and Page 32, Section 578.120, by striking all of said sections from the bill; and

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

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

Representative Kelley (127) offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 777, Page 22, Section 144.044, Line 37, by inserting immediately after said line the following:

"144.049. 1. For purposes of this section, the following terms mean:

(1) "Clothing", any article of wearing apparel, including footwear, intended to be worn on or about the human body. The term shall include but not be limited to cloth and other material used to make school uniforms or other school clothing. Items normally sold in pairs shall not be separated to qualify for the exemption. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt buckles; and

(2) "Personal computers", a laptop, desktop, or tower computer system which consists of a central processing unit, random access memory, a storage drive, a display monitor, and a keyboard and devices designed for use in conjunction with a personal computer, such as a disk drive, memory module, compact disk drive, daughterboard, [digitalizer] **digitizer**, microphone, modem, motherboard, mouse, multimedia speaker, printer, scanner, single-user hardware, single-user operating system, soundcard, or video card;

(3) "School supplies", any item normally used by students in a standard classroom for educational purposes, including but not limited to textbooks, notebooks, paper, writing instruments, crayons, art supplies, rulers, book bags, backpacks, handheld calculators, chalk, maps, and globes. The term shall not include watches, radios, CD players, headphones, sporting equipment, portable or desktop telephones, copiers or other office equipment, furniture, or fixtures. School supplies shall also include computer software having a taxable value of three hundred fifty dollars or less **and any graphing calculator having a taxable value of one hundred fifty dollars or less.**

2. In each year beginning on or after January 1, 2005, there is hereby specifically exempted from state sales tax law all retail sales of any article of clothing having a taxable value of one hundred dollars or less, all retail sales of school supplies not to exceed fifty dollars per purchase, all computer software with a taxable value of three hundred fifty dollars or less, **all graphing calculators having a taxable value of one hundred fifty dollars or less**, and all retail sales of personal computers or computer peripheral devices not to exceed three thousand five hundred dollars, during a three-day period beginning at 12:01 a.m. on the first Friday in August and ending at midnight on the Sunday following.

3. If the governing body of any political subdivision adopted an ordinance that applied to the 2004 sales tax holiday to prohibit the provisions of this section from allowing the sales tax holiday to apply to such political subdivision's local sales tax, then, notwithstanding any provision of a local ordinance to the contrary, the 2005 sales tax holiday shall not apply to such political subdivision's local sales tax. However, any such political subdivision may enact an ordinance to allow the 2005 sales tax holiday to apply to its local sales taxes. A political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

4. This section shall not apply to any sales which take place within the Missouri state fairgrounds.

5. This section applies to sales of items bought for personal use only.

6. After the 2005 sales tax holiday, any political subdivision may, by adopting an ordinance or order, choose to prohibit future annual sales tax holidays from applying to its local sales tax. After opting out, the political subdivision may rescind the ordinance or order. The political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

7. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday."; and

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

On motion of Representative Kelley (127), **House Amendment No. 2** was adopted.

On motion of Representative Torpey, **HCS#2 SCS SB 777, as amended**, was adopted.

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On motion of Representative Torpey, **HCS#2 SCS SB 777, as amended**, was read the third time and passed by the following vote:

AYES: 108

Allen	Anders	Austin	Bemskoetter	Berry
Black	Brown	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cox
Crawford	Cross	Curtis	Davis	Diehl
Dohrman	Dunn	Elmer	English	Englund
Entlicher	Fitzwater	Fraker	Gannon	Gardner
Gosen	Grisamore	Guemsey	Haahr	Haefer
Hansen	Harris	Hicks	Higdon	Hoskins
Houghton	Hubbard	Hummel	Jones 50	Justus
Kelley 127	Kelly 45	Kirkton	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Lynch	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	Messenger	Miller	Mims	Molendorp
Morgan	Morris	Muntzel	Neely	Neth
Nichols	Otto	Pace	Pfautsch	Phillips
Pierson	Redmon	Reiboldt	Remole	Richardson
Riddle	Rizzo	Roorda	Rowden	Rowland
Runions	Schieffer	Shull	Shumake	Smith
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Wieland	Wilson	Mr. Speaker		

NOES: 032

Anderson	Bahr	Barnes	Brattin	Burlison
Curtman	Dugger	Ellington	Fitzpatrick	Frame
Gatschenberger	Hurst	Johnson	Keeney	Koenig
Love	Marshall	McNeil	Meredith	Mitten
Montecillo	Moon	Norr	Parkinson	Pogue
Rehder	Ross	Schieber	Schupp	Webber
White	Wright			

PRESENT: 001

Peters

ABSENT WITH LEAVE: 018

Cookson	Comejo	Engler	Flanigan	Franklin
Frederick	Funderburk	Hampton	Hinson	Hodges
Hough	Newman	Pike	Rhoads	Schamhorst
Schatz	Wood	Zer		

VACANCIES: 004

Speaker Pro Tem Hoskins declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 012

Barnes	Brown	Cierpiot	Crawford	Diehl
Hubbard	Jones 50	May	Muntzel	Ross
Rowden	Stream			

NOES: 127

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Burlison
Burns	Butler	Colona	Conway 10	Conway 104
Cookson	Cornejo	Cox	Cross	Curtis
Curtman	Davis	Dohrman	Dugger	Dunn
Ellington	Elmer	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fraker	Frame
Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guemsey	Haahr	Haefner	Hansen	Harris
Hicks	Higdon	Hoskins	Houghton	Hummel
Hurst	Johnson	Justus	Keeney	Kelley 127
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Moon	Morgan
Morris	Neely	Neth	Nichols	Norr
Otto	Pace	Parkinson	Pfautsch	Phillips
Pierson	Pogue	Redmon	Rehder	Reiboldt
Remole	Richardson	Riddle	Rizzo	Roorda
Rowland	Runions	Schieber	Schieffer	Schupp
Shull	Shumake	Smith	Solon	Sommer
Spencer	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webber	White	Wieland
Wilson	Wright			

PRESENT: 001

Peters

ABSENT WITH LEAVE: 019

Carpenter	Engler	Franklin	Frederick	Funderburk
Hampton	Hinson	Hodges	Hough	Kelly 45
McKenna	Newman	Pike	Rhoads	Schamhorst
Schatz	Wood	Zerr	Mr. Speaker	

VACANCIES: 004

HCS SCS SB 680, relating to public assistance benefits, was taken up by Representative Wieland.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 680, Page 6, Section 208.247, Line 2, by inserting immediately after the first instance of the word "**guilty**" the following:

**"or nolo contendere"; and**

Further amend said bill, page and section, Lines 6 to 22, by deleting all of said lines and inserting in lieu thereof the following:

**"(1) Meets one of the following criteria:**

**(a) Is currently successfully participating in a substance abuse treatment program approved by the division of alcohol and drug abuse within the department of mental health; or**

**(b) Is currently accepted for treatment in and participating in a substance abuse treatment program approved by the division of alcohol and drug abuse, but is subject to a waiting list to receive available treatment, and the individual remains enrolled in the treatment program and enters the treatment program at the first available opportunity; or**

**(c) Has satisfactorily completed a substance abuse treatment program approved by the division of alcohol and drug abuse; or**

**(d) Is determined by a division of alcohol and drug abuse certified treatment provider not to need substance abuse treatment; and**

**(2) Is successfully complying with, or has already complied with, all obligations imposed by the court, the division of alcohol and drug abuse, and the division of probation and parole; and**

**(3) Does not plead guilty or nolo contendere to or is not found guilty of an additional controlled substance misdemeanor or felony offense after release from custody or, if not committed to custody, such person does not plead guilty or nolo contendere to or is not found guilty of an additional controlled substance misdemeanor or felony offense, within one year after the date of conviction. Such a plea or conviction within the first year after conviction shall immediately disqualify the person for the exemption; and**

**(4) Has demonstrated sobriety through voluntary urinalysis testing paid for by the participant."; and**

Further amend said bill, page, and section, Line 31, by inserting immediately after the first instance of the word "**guilty**" the following:

**"or nolo contendere"; and**

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

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

Representative Keeney assumed the Chair.

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 680, Page 5, Section 208.027, Line 50, by inserting immediately after said line the following:

"208.141. 1. The department of social services shall reimburse a hospital for prescribed medically necessary donor human breast milk provided to a MO HealthNet participant if:

- (1) The participant is an infant under the age of three months;
- (2) The participant is critically ill;
- (3) The participant is in the neonatal intensive care unit of the hospital;
- (4) A physician orders the milk for the participant;
- (5) The department determines that the milk is medically necessary for the participant;
- (6) The parent or guardian signs and dates an informed consent form indicating the risks and benefits of using banked donor human milk; and
- (7) The milk is obtained from a donor human milk bank that meets the quality guidelines established by the department.

2. An electronic web-based prior authorization system using the best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need.

3. The department shall promulgate rules for the implementation of this section, including setting forth rules for the required documentation by the physician and the informed consent to be provided to and signed by the parent or guardian of the participant. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536, are nonseverable, and if any of the powers vested with the general assembly under chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void."; and

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

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

On motion of Representative Wieland, **HCS SCS SB 680, as amended**, was adopted.

On motion of Representative Wieland, **HCS SCS SB 680, as amended**, was read the third time and passed by the following vote:

AYES: 122

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brown
Burns	Butler	Cierpiot	Conway 10	Cookson
Comejo	Cox	Crawford	Cross	Curtis
Davis	Diehl	Dohrman	Dugger	Dunn
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzwater	Flanigan	Fraker	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hoskins	Houghton	Hubbard	Hummel	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kirkton
Kolkmeier	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Lynch
May	Mayfield	McCaherty	McCann Beatty	McDonald

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McGaugh	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Nichols	Norr	Otto	Pace	Peters
Pfäutsch	Phillips	Pierson	Redmon	Rehder
Reiboldt	Remole	Richardson	Riddle	Rizzo
Roorda	Rowden	Rowland	Runions	Schatz
Schieffer	Schupp	Shull	Shumake	Smith
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Wieland	Wood			

NOES: 019

Brattin	Burlison	Curtman	Fitzpatrick	Frame
Guemsey	Haahr	Hurst	Koenig	Love
Marshall	Moon	Parkinson	Pogue	Ross
Schieber	White	Wilson	Mr. Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 018

Carpenter	Colona	Conway 104	Franklin	Frederick
Funderburk	Hinson	Hodges	Hough	Kelly 45
McKenna	Newman	Pike	Rhoads	Schamhorst
Webber	Wright	Zerr		

VACANCIES: 004

Representative Keeney declared the bill passed.

**HCS SB 655**, relating to property, was taken up by Representative Hoskins.

Representative Jones (50) offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 655, Page 6, Section 534.380, Line 2, by deleting from said line the phrase "**by the Missouri Rules of Civil Procedure**" and inserting in lieu thereof the phrase "**in other civil cases**"; and

Further amend said bill, Section 535.110, Page 8, Line 2, by deleting from said line the phrase "**by the Missouri Rules of Civil Procedure**" and inserting in lieu thereof the phrase "**in other civil cases**"; and

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

On motion of Representative Jones (50), **House Amendment No. 1** was adopted.

On motion of Representative Hoskins, **HCS SB 655, as amended**, was adopted.

On motion of Representative Hoskins, **HCS SB 655, as amended**, was read the third time and passed by the following vote:

AYES: 130

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Comejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohman	Dugger
Dunn	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fraker	Frame
Frederick	Gannon	Gatschenberger	Gosen	Grisamore
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hoskins	Houghton	Hubbard
Hummel	Hurst	Johnson	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeier
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McManus	McNeil	Messenger	Miller
Mims	Morgan	Morris	Muntzel	Neely
Neth	Norr	Otto	Pace	Peters
Pfautsch	Phillips	Pierson	Redmon	Rehder
Reiboldt	Remole	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Schatz	Schieffer	Schupp	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Webber
White	Wieland	Wood	Wright	Mr. Speaker

NOES: 013

Ellington	Gardner	Marshall	Meredith	Mitten
Montecillo	Moon	Nichols	Pogue	Schieber
Smith	Walton Gray	Wilson		

PRESENT: 000

ABSENT WITH LEAVE: 016

Elmer	Franklin	Funderburk	Guernsey	Hinson
Hodges	Hough	Jones 50	McKenna	Molendorp
Newman	Parkinson	Pike	Rhoads	Schamhorst
Zerr				

VACANCIES: 004

Representative Keeney declared the bill passed.

**HCS SS SB 869**, relating to children, was taken up by Representative Torpey.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 869, Pages 4 through 5, Section 210.027, Lines 1 through 38, by deleting all of said lines and inserting in lieu thereof the following:

"210.027. 1. For child-care providers who receive state or federal funds for providing child-care [services in the home] **fee assistance**, either by direct payment or through reimbursement to a child-care beneficiary, the department of social services shall:

(1) **Establish publicly available website access to provider-specific information about any health and safety licensing or regulatory requirements for the providers, and including dates of inspections, history of violations, and compliance actions taken, as well as the consumer education information required under subdivision (12) of this section;**

(2) **Establish or designate one hotline for parents to submit complaints about child care providers;**

(3) Be authorized to revoke the registration of a registered provider for due cause;

[2] (4) Require providers to be at least eighteen years of age;

[3] (5) **Establish minimum requirements for building and physical premises to include:**

(a) **Compliance with state and local fire, health, and building codes, which shall include the ability to evacuate children in the case of an emergency; and**

(b) **Emergency preparedness and response planning.**

**Child care providers shall meet these minimum requirements prior to receiving federal assistance.** Where there are no local ordinances or regulations regarding smoke detectors, **the department shall** require providers, by rule, to install and maintain an adequate number of smoke detectors in the residence **or other building** where child care is provided;

[4] (6) **Require providers to be tested for tuberculosis on the schedule required for employees in licensed facilities;**

[5] (7) Require providers to notify parents if the provider does not have immediate access to a telephone;

[6] (8) Make providers aware of local opportunities for training in first aid and child care;

(9) **Promulgate rules and regulations to define pre-service training requirements for child care providers and employees pursuant to applicable federal laws and regulations;**

(10) **Establish procedures for conducting unscheduled onsite monitoring of child care providers prior to receiving state or federal funds for providing child care services either by direct payment or through reimbursement to a child care beneficiary, and annually thereafter;**

(11) **Require child care providers who receive assistance under applicable federal laws and regulations to report to the department any serious injuries or death of children occurring in child care; and**

(12) **With input from statewide stakeholders such as parents, child care providers or administrators, and system advocate group, establish a transparent system of quality indicators appropriate to the provider setting that shall provide parents with a way to differentiate between child care providers available in their communities as required by federal rules. The system shall describe the standards used to assess the quality of child care providers. The system shall indicate whether the provider meets Missouri's registration or licensing standards, is in compliance with applicable health and safety requirements, and the nature of any violations related to registration or licensing requirements. The system shall also indicate if the provider utilizes curricula and if the provider is in compliance with staff educational requirements. Such system of quality indicators established under this subdivision with the input from stakeholders shall be promulgated by rules. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void. This**

subdivision shall not be construed as authorizing the operation, establishment, maintenance, or mandating or offering of incentives to participate in a quality rating system under section 161.216.

2. No state agency shall enforce the provisions of this section until October 1, 2015, or six months after the implementation of federal regulations mandating such provisions, whichever is later."; and

Further amend said bill, Page 16, Section 210.183, Line 42, by inserting after all of said line the following:

"210.211. 1. It shall be unlawful for any person to establish, maintain or operate a child-care facility for children, or to advertise or hold himself or herself out as being able to perform any of the services as defined in section 210.201, without having in effect a written license granted by the department of health and senior services; except that nothing in sections 210.203 to 210.245 shall apply to:

(1) Any person who is caring for four or fewer children. For purposes of this subdivision, children who are related by blood, marriage or adoption to such person within the third degree shall not be considered in the total number of children being cared for;

(2) Any person who has been duly appointed by a court of competent jurisdiction the guardian of the person of the child or children, or the person who has legal custody of the child or children;

(3) Any person who receives free of charge, and not as a business, for periods not exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or children of personal friends of such person, and who receives custody of no other unrelated child or children;

(4) Any graded boarding school, summer camp, hospital, sanitarium or home which is conducted in good faith primarily to provide education, recreation, medical treatment, or nursing or convalescent care for children;

(5) Any child-care facility maintained or operated under the exclusive control of a religious organization. When a nonreligious organization, having as its principal purpose the provision of child-care services, enters into an arrangement with a religious organization for the maintenance or operation of a child-care facility, the facility is not under the exclusive control of the religious organization;

(6) Any residential facility or day program licensed by the department of mental health pursuant to sections 630.705 to 630.760 which provides care, treatment and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, mental retardation or developmental disability, as defined in section 630.005; and

(7) Any nursery school.

2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility shall be exempt from licensure if such facility receives any state or federal funds for providing care for children, except for federal funds for those programs which meet the requirements for participation in the Child and Adult Care Food Program pursuant to 42 U.S.C. 1766. Grants to parents for child care pursuant to sections 210.201 to 210.257 shall not be construed to be funds received by a person or facility listed in subdivisions (1) and (5) of subsection 1 of this section.

3. Any child care facility not exempt from licensure shall disclose the licensure status of the facility to the parents or guardians of children for which the facility provides care. No child care facility exempt from licensure shall represent to any parent or guardian of children for which the facility provides care that the facility is licensed when such facility is in fact not licensed.

4. Any in-home licensed child care facility that is organized as a corporation, association, firm, partnership, proprietorship, limited liability company, or any other type of business entity in this state shall qualify for the exemption for related children for children who are related to the member of the corporation, association, firm, partnership, proprietorship, limited liability company, or other type of business entity who is responsible for the daily operation of the child care facility and who meets the requirements of the child care provider. If more than one member of the corporation, association, firm, partnership, proprietorship, limited liability company, or other type of business entity is responsible for the daily operation of the child care facility, the exemption for related children shall only be granted for children who are related to one of the members. All child care facilities under this subsection shall disclose the licensure status of the facility to the parents or guardians of children for which the facility provides care. A parent or guardian shall sign a written notice indicating he or she is aware of the licensure status of the facility. The facility shall keep a copy of this signed written notice on file. All child care facilities shall provide the parent or guardian enrolling a child in the facility with a written explanation of the disciplinary philosophy and policies of the child care facility.

211.171. 1. The procedure to be followed at the hearing shall be determined by the juvenile court judge and may be as formal or informal as he or she considers desirable, consistent with constitutional and statutory requirements. The judge may take testimony and inquire into the habits, surroundings, conditions and tendencies of the child and the family to enable the court to render such order or judgment as will best promote the welfare of the child and carry out the objectives of this chapter.

2. The hearing may, in the discretion of the court, proceed in the absence of the child and may be adjourned from time to time.

3. The current foster parents of a child, or any preadoptive parent or relative currently providing care for the child, shall be provided with notice of, and an opportunity to be heard in, any hearing to be held with respect to the child, **and a foster parent shall have standing to participate in all court hearings pertaining to a child in their care.** [This subsection shall not be construed to require that any such foster parent, preadoptive parent or relative providing care for a child be made a party to the case solely on the basis of such notice and opportunity to be heard.]

4. All cases of children shall be heard separately from the trial of cases against adults.

5. Stenographic notes or an authorized recording of the hearing shall be required if the court so orders or, if requested by any party interested in the proceeding.

6. The general public shall be excluded and only such persons admitted as have a direct interest in the case or in the work of the court except in cases where the child is accused of conduct which, if committed by an adult, would be considered a class A or B felony; or for conduct which would be considered a class C felony, if the child has previously been formally adjudicated for the commission of two or more unrelated acts which would have been class A, B or C felonies, if committed by an adult.

7. The practice and procedure customary in proceedings in equity shall govern all proceedings in the juvenile court; except that, the court shall not grant a continuance in such proceedings absent compelling extenuating circumstances, and in such cases, the court shall make written findings on the record detailing the specific reasons for granting a continuance.

8. The court shall allow the victim of any offense to submit a written statement to the court. The court shall allow the victim to appear before the court personally or by counsel for the purpose of making a statement, unless the court finds that the presence of the victim would not serve justice. The statement shall relate solely to the facts of the case and any personal injuries or financial loss incurred by the victim. A member of the immediate family of the victim may appear personally or by counsel to make a statement if the victim has died or is otherwise unable to appear as a result of the offense committed by the child."; and

Further amend said bill, Page 19, Section 453.074, Line 19, by inserting after all of said line the following:

"Section B. The repeal and reenactment of section 210.027 shall become effective upon the department of health and senior services providing notice to the revisor of statutes that the implementation of federal regulations mandating such provisions has occurred."; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 869, Page 4, Section 37.710, Line 45, by inserting after all of said section and line the following:

"105.271. 1. [An] **A foster or** adoptive parent who is employed by the state of Missouri, its departments, agencies, or political subdivisions, may use his or her accrued sick leave, annual leave, or the same leave without pay granted to biological parents to take time off for purposes of arranging for the **foster or** adopted child's placement or caring for the child after placement. The employer shall not penalize an employee for requesting or obtaining time off according to this section.

2. The state of Missouri, its departments, and agencies shall, and political subdivisions may, provide for a leave sharing program to permit its employees to donate annual leave, overtime, or compensatory time to an employee who is arranging for a foster or adopted child's placement or caring for the child after placement, which has caused or is likely to cause such employee to take leave without pay or to terminate employment. Such donated annual leave, overtime, or compensatory time may be transferable between employees in different departments, agencies, or political subdivisions of the state, with the agreement of the chief administrative officers of such departments, agencies, or political subdivisions.

3. Any donated annual leave, overtime, or compensatory time authorized under this section shall only be used by the recipient employee for purposes of arranging for the foster or adopted child's placement or caring for the child after placement. Nothing in this section shall be construed as prohibiting a leave sharing program for other purposes.

4. All forms of paid leave available for use by the recipient employee shall be used prior to using donated annual leave, overtime, or compensatory time.

5. All donated annual leave, overtime, or compensatory time shall be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating annual leave, overtime, or compensatory time for purposes of the leave sharing program.

6. For purposes of this section, the phrase "foster or adoptive parent" refers to both those pursuing to foster or adopt a child and those who have a foster or adopted child placed in the home. The phrase "for purposes of arranging for the foster or adopted child's placement or caring for the child after placement" includes, but is not limited to:

(1) Appointments with state officials, child placing agencies, social workers, health professionals, or attorneys;

(2) Court proceedings;

(3) Required travel;

(4) Training and licensure as a foster parent;

(5) Any periods of time during which foster or adoptive parents are ordered or required by the state, a child placing agency, or by a court to take time off from work to care for the foster or adopted child; or

(6) Any other activities necessary to allow the foster care or adoption to proceed.

7. A stepparent, as defined in section 453.015, who is employed by the state of Missouri, its departments, agencies, or political subdivisions, may use his or her accrued sick leave, annual leave or the same leave without pay granted to biological parents to take time off to care for his or her stepchild. The employer shall not penalize an employee for requesting or obtaining time off according to this section.

[3.] 8. The leave authorized by this section may be requested by the employee only if the employee is the person who is primarily responsible for furnishing the care and nurture of the child.

9. **The commissioner of administration may promulgate rules as necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.**; and

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

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 869, Page 17, Section 334.950, Line 43, by inserting after all of said line the following:

**"6. The department shall establish maximum reimbursement rates for charges submitted under this section, which shall reflect the reasonable cost of providing the forensic exam.**

**7. The department shall only reimburse providers for forensic evaluations and case reviews. The department shall not reimburse providers for medical procedures, facility fees, supplies or laboratory/radiology tests.**

**8. In order for the department to provide reimbursement, the child shall be the subject of a child abuse investigation or reported to the children's division as a result of the examination.**

**9. A minor may consent to examination under this section. Such consent is not subject to disaffirmance because of the individual's status as a minor, and the consent of a parent or guardian of the minor is not required for such examination.";** and

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

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

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

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 869, Page 4, Section 37.710, Line 45, by inserting after all of said section and line the following:

"208.631. 1. Notwithstanding any other provision of law to the contrary, the MO HealthNet division shall establish a program to pay for health care for uninsured children. Coverage pursuant to sections 208.631 to [208.659] **208.658** is subject to appropriation. The provisions of sections 208.631 to [208.569] **208.658**, health care for uninsured children, shall be void and of no effect if there are no funds of the United States appropriated by Congress to be provided to the state on the basis of a state plan approved by the federal government under the federal Social Security Act. If funds are appropriated by the United States Congress, the department of social services is authorized to manage the state children's health insurance program (CHIP) allotment in order to ensure that the state receives maximum federal financial participation. Children in households with incomes up to one hundred fifty percent of the federal poverty level may meet all Title XIX program guidelines as required by the Centers for Medicare and Medicaid Services. Children in households with incomes of one hundred fifty percent to three hundred percent of the federal poverty level shall continue to be eligible as they were and receive services as they did on June 30, 2007, unless changed by the Missouri general assembly.

2. For the purposes of sections 208.631 to [208.659] **208.658**, "children" are persons up to nineteen years of age. "Uninsured children" are persons up to nineteen years of age who are emancipated and do not have access to affordable employer-subsidized health care insurance or other health care coverage or persons whose parent or guardian have not had access to affordable employer-subsidized health care insurance or other health care coverage for their children [for six months] prior to application, are residents of the state of Missouri, and have parents or guardians who meet the requirements in section 208.636. A child who is eligible for MO HealthNet benefits as authorized in section 208.151 is not uninsured for the purposes of sections 208.631 to [208.659] **208.658**.

208.636. Parents and guardians of uninsured children eligible for the program established in sections 208.631 to [208.657] **208.658** shall:

(1) Furnish to the department of social services the uninsured child's Social Security number or numbers, if the uninsured child has more than one such number;

- (2) Cooperate with the department of social services in identifying and providing information to assist the state in pursuing any third-party insurance carrier who may be liable to pay for health care;
- (3) Cooperate with the department of social services, division of child support enforcement in establishing paternity and in obtaining support payments, including medical support; **and**
- (4) Demonstrate upon request their child's participation in wellness programs including immunizations and a periodic physical examination. This subdivision shall not apply to any child whose parent or legal guardian objects in writing to such wellness programs including immunizations and an annual physical examination because of religious beliefs or medical contraindications[; and
- (5) Demonstrate annually that their total net worth does not exceed two hundred fifty thousand dollars in total value].

208.640. 1. Parents and guardians of uninsured children with incomes of more than one hundred fifty but less than three hundred percent of the federal poverty level who do not have access to affordable employer-sponsored health care insurance or other affordable health care coverage may obtain coverage for their children under this section. Health insurance plans that do not cover an eligible child's preexisting condition shall not be considered affordable employer-sponsored health care insurance or other affordable health care coverage. For the purposes of sections 208.631 to [208.659] **208.658**, "affordable employer-sponsored health care insurance or other affordable health care coverage" refers to health insurance requiring a monthly premium of:

- (1) Three percent of one hundred fifty percent of the federal poverty level for a family of three for families with a gross income of more than one hundred fifty and up to one hundred eighty-five percent of the federal poverty level for a family of three;
- (2) Four percent of one hundred eighty-five percent of the federal poverty level for a family of three for a family with a gross income of more than one hundred eighty-five and up to two hundred twenty-five percent of the federal poverty level;
- (3) Five percent of two hundred twenty-five percent of the federal poverty level for a family of three for a family with a gross income of more than two hundred twenty-five but less than three hundred percent of the federal poverty level.

The parents and guardians of eligible uninsured children pursuant to this section are responsible for a monthly premium as required by annual state appropriation; provided that the total aggregate cost sharing for a family covered by these sections shall not exceed five percent of such family's income for the years involved. No co-payments or other cost sharing is permitted with respect to benefits for well-baby and well-child care including age-appropriate immunizations. Cost-sharing provisions for their children under sections 208.631 to [208.659] **208.658** shall not exceed the limits established by 42 U.S.C. Section 1397cc(e). If a child has exceeded the annual coverage limits for all health care services, the child is not considered insured and does not have access to affordable health insurance within the meaning of this section.

2. The department of social services shall study the expansion of a presumptive eligibility process for children for medical assistance benefits.

208.643. 1. The department of social services shall implement policies establishing a program to pay for health care for uninsured children by rules promulgated pursuant to chapter 536, either statewide or in certain geographic areas, subject to obtaining necessary federal approval and appropriation authority. The rules may provide for a health care services package that includes all medical services covered by section 208.152, except nonemergency transportation.

2. Available income shall be determined by the department of social services by rule, which shall comply with federal laws and regulations relating to the state's eligibility to receive federal funds to implement the insurance program established in sections 208.631 to [208.657] **208.658**.

208.646. There shall be a thirty-day waiting period after enrollment for uninsured children in families with an income of more than two hundred twenty-five percent of the federal poverty level before the child becomes eligible for insurance under the provisions of sections 208.631 to [208.660] **208.658**. If the parent or guardian with an income of more than two hundred twenty-five percent of the federal poverty level fails to meet the co-payment or premium requirements, the child shall not be eligible for coverage under sections 208.631 to [208.660] **208.658** for [six months] **ninety days** after the department provides notice of such failure to the parent or guardian."; and

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

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

**HCS SS SB 869, as amended**, was laid over.

Representative Diehl suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 061

Allen	Austin	Bemskoetter	Bery	Brown
Burlison	Butler	Cookson	Cox	Crawford
Curtman	Diehl	Englund	Entlicher	Fitzwater
Flanigan	Fraker	Gannon	Gatschenberger	Grisamore
Guernsey	Haefner	Hansen	Harris	Hinson
Hoskins	Houghton	Hubbard	Hurst	Johnson
Justus	Keeney	Kelley 127	Koenig	Korman
Kratky	Leara	Lichtenegger	McCaherty	Messenger
Molendorp	Morris	Muntzel	Parkinson	Pfautsch
Phillips	Redmon	Rehder	Richardson	Riddle
Rizzo	Rowden	Schupp	Shull	Solon
Stream	Swan	Torpey	Wieland	Wood
Mr. Speaker				

NOES: 003

Barnes	McNeil	Ross
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PRESENT: 070

Anders	Anderson	Black	Brattin	Bums
Carpenter	Cierpiot	Colona	Conway 104	Comejo
Cross	Davis	Dohrman	Dugger	Ellington
Elmer	Engler	English	Fitzpatrick	Frame
Frederick	Gardner	Gosen	Hampton	Hicks
Higdon	Hough	Hummel	Jones 50	Kelly 45
Kirkton	Lair	Lant	Lauer	Love
Lynch	May	Mayfield	McCann Beatty	McDonald
McGaugh	McManus	Meredith	Moon	Neely
Neth	Nichols	Norr	Otto	Pace
Peters	Pierson	Pogue	Reiboldt	Remole
Roorda	Rowland	Runions	Schieber	Schieffer
Shumake	Smith	Sommer	Spencer	Walker
Walton Gray	Webber	White	Wilson	Wright

ABSENT WITH LEAVE: 025

Bahr	Conway 10	Curtis	Dunn	Franklin
Funderburk	Haahr	Hodges	Kolkmeyer	LaFaver
Marshall	McKenna	Miller	Mims	Mitten
Montecillo	Morgan	Newman	Pike	Rhoads
Schamhorst	Schatz	Swearingen	Thomson	Zerr

VACANCIES: 004

Speaker Jones resumed the Chair.

**THIRD READING OF SENATE BILLS**

**HCS SS SB 869, as amended**, relating to children, was again taken up by Representative Torpey.

On motion of Representative Torpey, **HCS SS SB 869, as amended**, was adopted.

On motion of Representative Torpey, **HCS SS SB 869, as amended**, was read the third time and passed by the following vote:

AYES: 142

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

NOES: 000

PRESENT: 001

Colona

ABSENT WITH LEAVE: 016

Curtis	Franklin	Funderburk	Haahr	Hinson
Hodges	Hough	Kolkmeier	McKenna	Miller
Newman	Pike	Rhoads	Schamhorst	Schatz
Zerr				

VACANCIES: 004

Speaker Jones declared the bill passed.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HJR 48**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 1225**, entitled:

An act to repeal sections 415.400, 415.405, 415.410, 415.415, 415.417, 415.420, and 415.425, RSMo, and to enact in lieu thereof seven new sections relating to self-service storage facilities, with an effective date for certain sections.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HCS HB 1231, as amended**, and grants the House a conference thereon, further that the Senate conferees are allowed to exceed the differences in Sections 478.320, 478.437, 478.464, 478.513, 478.600 and 478.740.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SS SCS HCS HB 1231, as amended**.

Senators: Dixon, Schaefer, Schmitt, Justus and Keaveny

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 1296**, entitled:

An act to repeal sections 143.451 and 144.080, RSMo, and to enact in lieu thereof two new sections relating to taxes based on sales, with an existing penalty provision.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1296, Page 9, Section 143.451, Line 280, by inserting after all of said line the following:

"144.049. 1. For purposes of this section, the following terms mean:

(1) "Clothing", any article of wearing apparel, including footwear, intended to be worn on or about the human body. The term shall include but not be limited to cloth and other material used to make school uniforms or other school clothing. Items normally sold in pairs shall not be separated to qualify for the exemption. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt buckles; and

(2) "Personal computers", a laptop, desktop, or tower computer system which consists of a central processing unit, random access memory, a storage drive, a display monitor, and a keyboard and devices designed for use in conjunction with a personal computer, such as a disk drive, memory module, compact disk drive, daughterboard, [digitalizer] **digitizer**, microphone, modem, motherboard, mouse, multimedia speaker, printer, scanner, single-user hardware, single-user operating system, soundcard, or video card;

(3) "School supplies", any item normally used by students in a standard classroom for educational purposes, including but not limited to textbooks, notebooks, paper, writing instruments, crayons, art supplies, rulers, book bags, backpacks, handheld calculators, chalk, maps, and globes. The term shall not include watches, radios, CD players, headphones, sporting equipment, portable or desktop telephones, copiers or other office equipment, furniture, or fixtures. School supplies shall also include computer software having a taxable value of three hundred fifty dollars or less **and any graphing calculator having a taxable value of one hundred fifty dollars or less.**

2. In each year beginning on or after January 1, 2005, there is hereby specifically exempted from state sales tax law all retail sales of any article of clothing having a taxable value of one hundred dollars or less, all retail sales of school supplies not to exceed fifty dollars per purchase, all computer software with a taxable value of three hundred fifty dollars or less, **all graphing calculators having a taxable value of one hundred fifty dollars or less**, and all retail sales of personal computers or computer peripheral devices not to exceed three thousand five hundred dollars, during a three-day period beginning at 12:01 a.m. on the first Friday in August and ending at midnight on the Sunday following.

3. If the governing body of any political subdivision adopted an ordinance that applied to the 2004 sales tax holiday to prohibit the provisions of this section from allowing the sales tax holiday to apply to such political subdivision's local sales tax, then, notwithstanding any provision of a local ordinance to the contrary, the 2005 sales tax holiday shall not apply to such political subdivision's local sales tax. However, any such political subdivision may enact an ordinance to allow the 2005 sales tax holiday to apply to its local sales taxes. A political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

4. This section shall not apply to any sales which take place within the Missouri state fairgrounds.

5. This section applies to sales of items bought for personal use only.

6. After the 2005 sales tax holiday, any political subdivision may, by adopting an ordinance or order, choose to prohibit future annual sales tax holidays from applying to its local sales tax. After opting out, the political subdivision may rescind the ordinance or order. The political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

7. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 1304**, entitled:

An act to repeal sections 311.055 and 311.200, RSMo, and to enact in lieu thereof two new sections relating to intoxicating liquor, with an effective date for a certain section.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1390**, entitled:

An act repeal sections 161.097, 163.191, 173.005, 173.030, 173.1006, 174.450, and 178.638, RSMo, and to enact in lieu thereof eight new sections relating to authorization for funding and administrative processes in higher education.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5 and Senate Amendment No. 6.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Bill No. 1390, Page 1, Section A, Line 4, by inserting after all of said line the following:

"160.545. 1. There is hereby established within the department of elementary and secondary education the "A+ Schools Program" to be administered by the commissioner of education. The program shall consist of grant awards made to public secondary schools that demonstrate a commitment to ensure that:

- (1) All students be graduated from school;
- (2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and
- (3) All students proceed from high school graduation to a college or postsecondary vocational or technical school or high-wage job with work place skill development opportunities.

2. The state board of education shall promulgate rules and regulations for the approval of grants made under the program to schools that:

- (1) Establish measurable districtwide performance standards for the goals of the program outlined in subsection 1 of this section; and
- (2) Specify the knowledge, skills and competencies, in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify a student for graduation from the school; and

- (3) Do not offer a general track of courses that, upon completion, can lead to a high school diploma; and
- (4) Require rigorous coursework with standards of competency in basic academic subjects for students pursuing vocational and technical education as prescribed by rule and regulation of the state board of education; and

- (5) Have a partnership plan developed in cooperation and with the advice of local business persons, labor leaders, parents, and representatives of college and postsecondary vocational and technical school representatives, with the plan then approved by the local board of education. The plan shall specify a mechanism to receive information on an annual basis from those who developed the plan in addition to senior citizens, community leaders, and teachers to update the plan in order to best meet the goals of the program as provided in subsection 1 of this section. Further, the plan shall detail the procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students. The plan shall outline counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs, and shall contain procedures for the recruitment of volunteers from the community of the school to serve in schools receiving program grants.

3. A school district may participate in the program irrespective of its accreditation classification by the state board of education, provided it meets all other requirements.

4. By rule and regulation, the state board of education may determine a local school district variable fund match requirement in order for a school or schools in the district to receive a grant under the program. However, no school in any district shall receive a grant under the program unless the district designates a salaried employee to serve as the program coordinator, with the district assuming a minimum of one-half the cost of the salary and other benefits provided to the coordinator. Further, no school in any district shall receive a grant under the program unless the district makes available facilities and services for adult literacy training as specified by rule of the state board of education.

5. For any school that meets the requirements for the approval of the grants authorized by this section and specified in subsection 2 of this section for three successive school years, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services in the school. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092 and such other rules and regulations as determined by the commissioner of education, except such waivers shall be confined to the school and not other schools in the school district unless such other schools meet the requirements of this subsection. However, any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the requirements for the approval of the grants authorized by this section as specified in subsection 2 of this section.

6. For any school year, grants authorized by subsections 1 [to 3], **2, and 4** of this section shall be funded with the amount appropriated for this program, less those funds necessary to reimburse eligible students pursuant to subsection 7 of this section.

7. The [commissioner] **department of higher** education shall, by rule [and regulation of the state board of education and with the advice of the coordinating board for higher education], establish a procedure for the reimbursement of the cost of tuition, books and fees to any public community college or vocational or technical school or within the limits established in subsection 9 of this section for any two-year private vocational or technical school for any student:

(1) Who has attended a public high school in the state for at least three years immediately prior to graduation that meets the requirements of subsection 2 of this section[.]; except that students who are active duty military dependents, and students who are dependants of retired military who relocate to Missouri within one year of the date of the parent's retirement from active duty, who, in the school year immediately preceding graduation, meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the three-year attendance requirement of this subdivision; and

(2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and

(3) Who has earned a minimal grade average while in high school as determined by rule of the [state board] **department of higher** education, and other requirements for the reimbursement authorized by this subsection as determined by rule and regulation of [said board] **the department**.

8. The commissioner of education shall develop a procedure for evaluating the effectiveness of the program described in this section. Such evaluation shall be conducted annually with the results of the evaluation provided to the governor, speaker of the house, and president pro tempore of the senate.

9. For a two-year private vocational or technical school to obtain reimbursements under subsection 7 of this section, the following requirements shall be satisfied:

(1) Such two-year private vocational or technical school shall be a member of the North Central Association and be accredited by the Higher Learning Commission as of July 1, 2008, and maintain such accreditation;

(2) Such two-year private vocational or technical school shall be designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

(3) No two-year private vocational or technical school shall receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of such college; and

(4) The reimbursements provided to any two-year private vocational or technical school shall not violate the provisions of article IX, section 8, or article I, section 7, of the Missouri Constitution or the first amendment of the United States Constitution.

**10. (1) The department of higher education shall, by administrative rule, establish a procedure for the reimbursement of the student's portion of fees for any dual credit courses completed. To be eligible for such reimbursements, a student shall meet the following criteria:**

**(a) Attend a public high school in the state for at least one year that meets the requirements of subsection 2 of this section;**

**(b) Have made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and**

**(c) Earn a minimal grade point average while in high school as determined by rule of the department of higher education and other requirements for the reimbursement authorized by this subsection as determined by administrative rule of the department.**

**(2) 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 subsection shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void."; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Bill No. 1390, Page 24, Section 178.638, Line 18, by inserting after all of said line the following:

"340.396. 1. Sections 340.381 to 340.396 shall not be construed to require the department to enter into contracts with individuals who qualify for education loans or loan repayment programs when federal, state, and local funds are not available for such purposes.

2. Sections 340.381 to 340.396 shall not be subject to the provisions of sections 23.250 to 23.298.

[3. Sections 340.381 to 340.396 shall expire on June 30, 2013.]; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 3*

AMEND Senate Committee Substitute for House Bill No. 1390, Page 19, Section 173.030, Line 165, by inserting after all of said line the following:

"173.670. 1. There is hereby established within the department of higher education the "Missouri Science, Technology, Engineering and Mathematics Initiative". The department of higher education may award matching funds through this initiative to public institutions of higher education as part of the annual appropriations process.

2. The purpose of the initiative shall be to provide support to increase interest among elementary, secondary, and university students in fields of study related to science, technology, engineering, and mathematics and to increase the number of Missouri graduates in these fields at Missouri's public two- and four-year institutions of higher education.

3. There is hereby created a "Science, Technology, Engineering and Mathematics Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund and may 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 the administration of this section. 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.

**4. As part of the initiative, the department of higher education shall develop a process to award grants to Missouri public two- and four-year institutions of higher education and school districts that have**

**entered into articulation agreements to offer information technology certification through technical course work leading to postsecondary academic credit through the program established in section 173.675.**

5. The general assembly may appropriate funds to the science, technology, engineering, and mathematics fund to match institution funds to support the following programs:

(1) Endowed teaching professor programs, which provide funds to support faculty who teach undergraduate courses in science, technology, engineering, or mathematics fields at public institutions of higher education;

(2) Scholarship programs, which provide financial aid or loan forgiveness awards to Missouri students who study in the science, technology, engineering, or mathematics fields or who plan to enter the teaching field in Missouri with an emphasis on science, technology, engineering, and mathematics areas;

(3) Experiential youth programs at public colleges or universities, designed to provide Missouri middle school, junior high, and high school students with the opportunity to experience science, technology, engineering, and mathematics fields through camps or other educational offerings;

(4) Career enhancement programs for current elementary and secondary teachers and professors at Missouri public and private colleges and universities in the science, technology, engineering, or mathematics fields to improve the quality of teaching.

**173.675. 1. The department of higher education shall develop a program to offer information technology certification through technical course work that leads to postsecondary academic credit. The program shall be available to students enrolled in a public high school in Missouri that has entered into an articulation agreement with a Missouri public two- or four-year institution of higher education to offer such course work. The program shall provide instruction on skills and competencies essential for the workplace and requested by employers and shall include the following components:**

- (1) A web-enabled online curriculum;
- (2) Instructional software for classroom and student use;
- (3) Training for teachers to advance technical education skills;
- (4) Industry recognized skills certification; and
- (5) Integration with existing education standards.

2. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

**173.680. 1. The department of higher education shall conduct a study to identify the information technology industry certifications most frequently requested by employers in Missouri. The department of higher education may conduct the study with the assistance of other state departments and agencies, the Missouri mathematics and science coalition, and the governor's advisory council on science, technology, engineering, and mathematical issues.**

2. The department of higher education shall complete the study no later than January 31, 2015. The department shall prepare the findings in a report and provide it to:

- (1) The president pro tempore of the senate;
- (2) The speaker of the house of representatives;
- (3) The joint committee on education;
- (4) The governor;
- (5) The coordinating board for higher education; and
- (6) The state board of education.”; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 4*

AMEND Senate Committee Substitute for House Bill No. 1390, Page 1, Section 161.097, Line 14, by striking the word "of" and inserting in lieu thereof the following:

**"for";** and

Further amend said bill and section, Page 2, Line 20, by inserting immediately after the word "certification" the following:

**"and any related competencies";** and

Further amend Line 23, by inserting immediately after the word "programs" the following:

**"and any related competencies";** and

Further amend Line 26, by inserting immediately after the word "assessments" the following:

**"and competencies";** and

Further amend said line by inserting immediately after the word "future" the following:

**"competencies and";** and

Further amend Line 29, by inserting after "manner." the following:

**"Qualifying scores on such assessments shall be established jointly by the state board of education and the coordinating board for higher education.";** and

Further amend Line 47, by striking the word "of" and inserting in lieu thereof the following:

**"for";** and

Further amend Line 50, by inserting after "education." the following:

**"The length of term for each member shall be two years.";** and

Further amend said bill and section, Page 3, Line 81, by striking the word "of" and inserting in lieu thereof the following:

**"for";** and

Further amend Line 86, by striking the first use of the word "of" and inserting in lieu thereof the following:

**"for";** and

Further amend Line 89, by striking the word "of" and inserting in lieu thereof the following:

**"for";** and

Further amend said bill and section, Page 4, Line 94, by striking the word "of" and inserting in lieu thereof the following:

**"for";** and

Further amend Line 97, by inserting immediately after the word "preparation" the following:

"**program**"; and

Further amend said line by striking the word "of" and inserting in lieu thereof the following:

"**for**"; and

Further amend Line 110, by inserting immediately after the word "Make" the following:

"**public**"; and

Further amend said bill and section, Page 5, Line 131, by striking the word "on" and inserting in lieu thereof the following:

"**in**".

*Senate Amendment No. 5*

AMEND Senate Committee Substitute for House Bill No. 1390, Page 1, Section A, Line 4, by inserting after all of said line the following:

"160.254. 1. There is hereby established a joint committee of the general assembly, which shall be known as the "Joint Committee on Education", which shall be composed of seven members of the senate and seven members of the house of representatives. The senate members of the committee shall be appointed by the president pro tem of the senate and the house members by the speaker of the house.

2. The committee shall meet at least twice a year. In the event of three consecutive absences on the part of any member, such member may be removed from the committee.

3. The committee shall select either a chairman or cochairmen, one of whom shall be a member of the senate and one a member of the house. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the chairman or chairmen designate.

4. The committee shall:

(1) Review and monitor the progress of education in the state's public schools and institutions of higher education;

(2) Receive reports from the commissioner of education concerning the public schools and from the commissioner of higher education concerning institutions of higher education;

(3) Conduct a study and analysis of the public school system;

(4) Make recommendations to the general assembly for legislative action;

(5) Conduct an in-depth study concerning all issues relating to the equity and adequacy of the distribution of state school aid, teachers' salaries, funding for school buildings, and overall funding levels for schools and any other education funding-related issues the committee deems relevant;

(6) Monitor the establishment of performance measures as required by section 173.1006 and report on their establishment to the governor and the general assembly;

(7) Conduct studies and analysis regarding:

(a) The higher education system, including financing public higher education and the provision of financial aid for higher education; and

(b) The feasibility of including students enrolled in proprietary schools, as that term is defined in section 173.600, in all state-based financial aid programs;

(8) Annually review the collection of information under section 173.093 to facilitate a more accurate comparison of the actual costs at public and private higher education institutions;

(9) Within three years of August 28, 2007, review a new model for the funding of public higher education institutions upon submission of such model by the coordinating board for higher education;

(10) Within three years of August 28, 2007, review the impact of the higher education student funding act established in sections 173.1000 to 173.1006;

(11) Beginning August 28, 2008, upon review, approve or deny any expenditures made by the commissioner of education pursuant to section 160.530, as provided in subsection 5 of section 160.530.

5. [During the legislative interim between the first regular session of the ninety-fifth general assembly through January 29, 2010, of the second regular session of the ninety-fifth general assembly, the joint committee on education shall study the issue of open enrollment for public school students across school district boundary lines in this state. In studying this issue, the joint committee may solicit input and information necessary to fulfill its obligation, including but not limited to soliciting input and information from any state department, state agency, school district, political subdivisions of this state, teachers, and the general public. The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary for submission to the general assembly by December 31, 2009.] **By November 1, 2014, the committee shall conduct a study of the higher education academic scholarship program, the access Missouri financial assistance program, and the reimbursement portion of the A+ schools program. The study shall include, but not be limited to, eligibility requirements for each program, acceptance of aid by eligible students, and retention and graduation rates of recipients.**

6. The committee may make reasonable requests for staff assistance from the research and appropriations staffs of the house and senate and the committee on legislative research, as well as the department of elementary and secondary education, the department of higher education, the coordinating board for higher education, **public institutions of higher education**, the state tax commission, the department of economic development, all school districts and other political subdivisions of this state, teachers and teacher groups, business and other commercial interests and any other interested persons.

7. Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 6*

AMEND Senate Committee Substitute for House Bill No. 1390, Page 19, Section 173.030, Line 165, by inserting after all of said line the following:

"173.250. 1. There is hereby established a "Higher Education Academic Scholarship Program" and any moneys appropriated by the general assembly for this program shall be used to provide scholarships for Missouri citizens to attend a Missouri college or university of their choice pursuant to the provisions of this section.

2. The definitions of terms set forth in section 173.1102 shall be applicable to such terms as used in this section. In addition, the following definitions shall apply:

(1) "Academic scholarship", an amount of money paid by the state of Missouri to a student pursuant to the provisions of this section;

(2) "ACT", the American College Testing program examination;

(3) "Approved institution", an approved public or approved private institution as defined in section 173.1102;

(4) "Eligible student", an individual who meets the criteria set forth in section 173.1104, excluding the requirements of financial need and undergraduate status and, in addition, meets the following requirements:

(a) Has achieved a qualifying score on the ACT or SAT;

(b) Is a Missouri resident who has completed secondary coursework through graduation from high school or the virtual public school established in section 161.670, receipt of a general education development (GED) diploma, completion of a program of study through homeschooling or any other program of academic instruction that satisfies the compulsory attendance requirement under section 167.031; and

(c) Is enrolled full time or accepted for full-time enrollment as a postsecondary student at an approved institution during the academic year immediately following the completion of his or her secondary coursework;

(5) "Missouri test-takers", all Missouri high school seniors who take the ACT or the SAT;

(6) "Qualifying score", a composite score on the ACT or the SAT achieved in an eligible student's high school sophomore, junior, or senior year that is in the top five percent of Missouri test-takers, as established at the beginning of an eligible student's final year of secondary coursework;

(7) "Recipient", an eligible or renewal student who receives an academic scholarship pursuant to this section;

(8) "Renewal student", an eligible student who remains in compliance with the provisions of section 173.1104, maintains continuous enrollment, and makes satisfactory academic degree progress; and

(9) "SAT", the Scholastic Aptitude Test.

3. The coordinating board for higher education shall be the administrative agency for the implementation of the program established by this section, and shall:

(1) Promulgate reasonable rules and regulations for the exercise of its functions and the effectuation of the purposes of this section, including regulations for granting scholarship deferments;

(2) Prescribe the form and the time and method of awarding academic scholarships, and shall supervise the processing thereof; and

(3) Select qualified recipients to receive academic scholarships, make such awards of academic scholarships to qualified recipients and determine the manner and method of payment to the recipient.

4. Eligible students shall be offered academic scholarships in the following amounts and in the following order of priority, within the limits of the funds appropriated and made available:

(1) Each eligible student with a qualifying score in the top three percent of all Missouri test-takers shall be offered an academic scholarship of up to three thousand dollars per year. All students in the top three percent shall receive awards of three thousand dollars before any student in the top fourth and fifth percentiles receives any award;

(2) Provided sufficient funds are appropriated, each eligible student with a qualifying score in the top fourth and fifth percentiles shall be offered an academic scholarship of up to one thousand dollars per year.

5. Eligible students may renew academic scholarships for their second, third, and fourth years of postsecondary education, or as long as the recipient is in compliance with the criteria to be a renewal student.

6. If an eligible student is unable to enroll during the first academic year or a renewal student ceases attendance at an approved institution for the purpose of providing service to a nonprofit organization, a state or federal government agency, or any branch of the Armed Forces of the United States, such student shall be offered an academic scholarship upon enrollment in any approved institution after the completion of their service, if the student meets all other requirements for an initial or renewal award and if the following criteria are met:

(1) For an eligible student who cannot attend an approved institution as a result of service to a nonprofit organization or the state or federal government, the student returns to full-time status within twenty-seven months and provides verification to the coordinating board for higher education that the service to the nonprofit organization was satisfactorily completed and was not compensated other than for expenses, or that the service to the state or federal government was satisfactorily completed; or

(2) For an eligible student who cannot attend an approved institution as a result of military service in the Armed Forces of the United States, the student returns to full-time status within six months after the eligible student first ceases service to the Armed Forces and provides verification to the coordinating board for higher education that the military service was satisfactorily completed.

7. A recipient of an academic scholarship awarded under this section may transfer from one approved institution to another without losing eligibility for the academic scholarship.

8. If a recipient of an academic scholarship at any time withdraws from an approved institution so that under the rules and regulations of that institution he or she is entitled to a refund of any tuition, fees or other charges, the institution shall pay the portion of the refund attributable to the academic scholarship for that term to the coordinating board for higher education.

9. Other provisions of this section to the contrary notwithstanding, if an eligible student has been awarded an initial academic scholarship pursuant to the provisions of this section but is unable to attend an approved institution during the first academic year because of illness, disability, pregnancy or other medical need or if a renewal student ceases all attendance at an approved institution because of illness, disability, pregnancy or other medical need, the recipient shall be eligible for an initial or renewal academic scholarship upon enrollment in or return to any approved institution, provided the recipient:

(1) Enrolls in or returns to full-time status within twenty-seven months;

(2) Provides verification in compliance with coordinating board for higher education rules of sufficient medical evidence documenting an illness, disability, pregnancy or other medical need of such person to require that that person will not be able to use the academic scholarship during the time period for which it was originally offered; and

(3) Meets all other requirements established for eligibility to receive an academic scholarship.

**10. The coordinating board for higher education shall establish a procedure by administrative rule to allow students who meet the requirements of this subsection to receive funds to cover the student's portion of fees for any dual credit courses or dual enrollment courses completed while the student is in high school.**

**The student shall meet the following requirements:**

- (1) Attend a public high school in the state;**
- (2) Achieve a qualifying score on the ACT or SAT;**
- (3) Be a Missouri resident; and**
- (4) Be a citizen or permanent resident of the United States.";** and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to adopt the Conference Committee Report on **SS SCS HCS HB 1439, as amended**, and requests the House to grant the Senate a further conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1455**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report #2 on **SS SCS HB 1490, as amended**, and has taken up and passed **CCS#2 SS SCS HB 1490**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1506**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HB 1553, as amended**, and grants the House a conference thereon.

Also, the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House.

Senators: Pearce, Dixon, Schaefer, Keaveny and Nasheed.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 1614**, entitled:

An act to repeal section 161.825, RSMo, and to enact in lieu thereof one new section relating to educational services for students with qualifying needs.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HBs 1665 & 1335**, entitled:

An act to amend chapter 407, RSMo, by adding thereto one new section relating to the publishing of certain photographs on internet websites, with a penalty provision.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has re-appointed the following Conference Committee to act with a like committee from the House on **SS HCS HB 1685**.

Senators: Schaaf, Wasson, Sater, LeVota and Holsman

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1692**, entitled:

An act to repeal sections 247.060 and 247.080, RSMo, and to enact in lieu thereof three new sections relating to public utility districts.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Bill No. 1692, Page 4, Section 249.424, Line 5, by striking the word "fifty" and inserting in lieu thereof the following:

**"thirty-six"**; and

Further amend Line 31, by striking the word "fifty" and inserting in lieu thereof the following:

**"thirty-six"**.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HB 1707**, entitled:

An act to repeal sections 174.709, 174.712, 178.862, 300.320, 304.154, 610.120, and 610.122, RSMo, and to enact in lieu thereof seven new sections relating to the operation of motor vehicles.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 1831, as amended**, and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 1831, as amended**.

Senators: Schmitt, Schaaf, Pearce, Justus and Keaveny

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 1867**, entitled:

An act to repeal sections 319.015, 319.016, 319.022, 319.024, 319.025, 319.026, 319.027, 319.028, 319.029, 319.030, 319.035, 319.040, 319.041, 319.045, and 319.050, RSMo, and to enact in lieu thereof thirteen new sections relating to underground facility safety, with an effective date.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1867, Page 32, Section 319.041, Line 13 of said page, by inserting after all of said line the following:

"[389.585. As used in sections 389.585 to 389.591, the following terms mean:

(1) "Crossing", the construction, operation, repair, or maintenance of a facility over, under, or across a railroad right-of-way by a utility when the right-of-way is owned by a land management company and not a railroad or railroad corporation;

(2) "Direct expenses", includes, but is not limited to, any or all of the following:

(a) The cost of inspecting and monitoring the crossing site;

(b) Administrative and engineering costs for review of specifications and for entering a crossing on the railroad's books, maps, and property records and other reasonable administrative and engineering costs incurred as a result of the crossing;

(c) Document and preparation fees associated with a crossing and any engineering specifications related to the crossing;

(d) Damages assessed in connection with the rights granted to a utility with respect to a crossing;

(3) "Facility", any cable, conduit, wire, pipe, casing pipe, supporting poles and guys, manhole, or other material or equipment that is used by a utility to furnish any of the following:

(a) Communications, communications-related, wireless communications, video, or information services;

(b) Electricity;

(c) Gas by piped system;

(d) Petroleum or petroleum products by piped system;

(e) Sanitary and storm sewer service;

(f) Water by piped system;

(4) "Land management company", an entity that owns, leases, holds by easement, holds by adverse possession or otherwise possesses a corridor which is used for rail transportation purposes and is not a railroad or railroad corporation;

(5) "Land management corridor", includes one or more of the following:

(a) A right-of-way or other interest in real estate that is owned, leased, held by easement, held by adverse possession or otherwise possessed by a land management company and not a railroad or railroad corporation; and which is used for rail transportation purposes. "Land management corridor" does not include yards, terminals or stations. "Land management corridor" also does not include railroad tracks or lines which have been legally abandoned;

(b) Any other interest in a right-of-way formerly owned by a railroad or railroad corporation that has been acquired by a land management company or similar entity and which is used for rail transportation purposes;

(6) "Notice", a written description of the proposed project. Such notice shall include, at a minimum: a description of the proposed crossing including blueprints or plats, print copies of the engineering specifications for

the crossing, a proposed time line for the commencement and completion of work at the crossing, a narrative description of the work to be performed at the crossing, proof of insurance for the work to be done and other reasonable requirements necessary for the processing of an application;

(7) "Railroad" or "railroad corporation", a railroad corporation organized and operating under chapter 388, or any other corporation, trustees of a railroad corporation, company, affiliate, association, joint stock association or company, firm, partnership, or individual, which is an owner, operator, occupant, lessee, manager, or railroad right-of-way agent acting on behalf of a railroad or railroad corporation;

(8) "Railroad right-of-way", includes one or more of the following:

(a) A right-of-way or other interest in real estate that is owned or operated by a land management company and not a railroad or railroad corporation;

(b) Any other interest in a former railroad right-of-way that has been acquired or is operated by a land management company or similar entity;

(9) "Special circumstances", includes either or both of the following:

(a) The characteristics of a segment of a railroad right-of-way not found in a typical segment of a railroad right-of-way that enhance the value or increase the damages or the engineering or construction expenses for the land management company associated with a proposed crossing, or to the current or reasonably anticipated use by a land management company of the railroad right-of-way, necessitating additional terms and conditions or compensation associated with a crossing;

(b) Variances from the standard specifications requested by the land management company;

"Special circumstances" may include, but is not limited to, the railroad right-of-way segment's relationship to other property, location in urban or other developed areas, the existence of unique topography or natural resources, or other characteristics or dangers inherent in the particular crossing or segment of the railroad right-of-way;

(10) "Telecommunications service", the transmission of information by wire, radio, optical cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols;

(11) "Utility", shall include:

(a) Any public utility subject to the jurisdiction of the public service commission;

(b) Providers of telecommunications service, wireless communications, or other communications-related service;

(c) Any electrical corporation which is required by its bylaws to operate on the not-for-profit cooperative business plan, with its consumers who receive service as the stockholders of such corporation, and which holds a certificate of public convenience and necessity to serve a majority of its customer-owners in counties of the third classification as of August 28, 2003;

(d) Any rural electric cooperative; and

(e) Any municipally owned utility.]

[389.586. 1. After the land management company receives a copy of the notice from the utility, the land management company shall send a complete copy of that notice, by certified mail or by private delivery service which requires a return receipt, to the railroad or railroad corporation within two business days. No utility may commence a crossing until the railroad or railroad corporation has approved the crossing. The railroad or railroad corporation shall have thirty days from the receipt of the notice to review and approve or reject the proposed crossing. The railroad or railroad corporation shall reject a proposed crossing only if special circumstances exist. If the railroad or railroad corporation rejects a proposed crossing, the utility may submit an amended proposal for a crossing. The railroad or railroad corporation shall have an additional thirty days from receipt of the amended proposal to review and approve or reject the amended crossing proposal. The railroad or railroad corporation shall not unreasonably withhold approval. Once the railroad or railroad corporation grants such approval, and upon payment of the fee and any other payments authorized pursuant to sections 389.586 or 389.587, the utility shall be deemed to have authorization to commence the crossing activity. The utility shall provide the railroad or railroad corporation with written notification of the commencement of the crossing activity before beginning such activity.

2. The land management company and the utility shall maintain and repair its own property within the land management corridor and each shall bear responsibility for its own acts and omissions, except that the utility shall be responsible for any bodily injury or property damage arising from the installation, maintenance, repair and its use of the crossing. The railroad or railroad corporation may require the utility and the land management company to obtain reasonable amounts of comprehensive general liability insurance and railroad protective liability insurance coverage for a crossing, and that this insurance coverage name the railroad or railroad corporation as an insured.

Further, the land management company and the utility shall provide the railroad or railroad corporation with proof that they have liability insurance coverage which meets such requirements, if any.

3. A utility shall have immediate access to a crossing for repair and maintenance of existing facilities in case of an immediate threat to life and upon notification to the applicable railroad or railroad corporation. Before commencing any such work, the utility must first contact the railroad or railroad corporation's dispatch center, command center or other facility which is designated to receive emergency communications.

4. The utility shall be provided a crossing, absent a claim of special circumstances, after payment by the utility of the standard crossing fee, submission of completed engineering specifications to the land management company, and approval of the crossing by the railroad or railroad corporation. The engineering specifications shall comply with the clearance requirements as established by the National Electrical Safety Code, the American Railway Engineering and Maintenance of Way Association and the standards of the applicable railroad or railroad corporation which are in effect and which apply to conditions at a particular crossing. The land management company and utility shall further be responsible for any modifications, upgrades or other changes which may be needed to comply with changes in said standards.

5. The utility, the railroad or railroad corporation, and the land management company shall agree to such other terms and conditions as may be necessary to provide for reasonable use of a land management corridor by a utility.]

[389.587. Unless otherwise agreed by the parties and subject to section 389.588, a utility that locates its facilities within the railroad right-of-way for a crossing, other than a crossing along a state highway or other public road, shall pay the land management company a one-time standard crossing fee of one thousand five hundred dollars for each crossing plus the costs associated with modifications to existing insurance contracts of the land management company. The standard crossing fee shall be in lieu of any license, permit, application, plan review, or any other fees or charges to reimburse the land management company for the direct expenses incurred by the land management company as a result of the crossing. The utility shall also reimburse the land management company for any actual flagging expenses associated with a crossing in addition to the standard crossing fee. The railroad or railroad corporation has the right to halt work at the crossing if the flagging does not meet the standards of the railroad or railroad corporation. Nothing in this section is intended to otherwise restrict or limit any authority or right a utility may have to locate facilities at a crossing along a state highway or any other public road or to otherwise enter upon lands where authorized by law.]

[389.588. 1. Notwithstanding the provisions of section 389.586, nothing shall prevent a land management company and a utility from otherwise negotiating the terms and conditions applicable to a crossing or the resolution of any disputes relating to the crossing so long as they do not interfere with the rights of a railroad or railroad corporation. No agreement between a land management company and a utility shall affect the rights, interests or operations of a railroad or railroad corporation.

2. Notwithstanding subsection 1 of this section, the provisions of this section shall not impair the authority of a utility to secure crossing rights by easement pursuant to the exercise of the power of eminent domain.]

[389.589. 1. If the parties cannot agree that special circumstances exist, the dispute shall be submitted to binding arbitration.

2. Either party may give written notice to the other party of the commencement of a binding arbitration proceeding in accordance with the commercial rules of arbitration in the American Arbitration Association. Any decision by the board of arbitration shall be final, binding and conclusive as to the parties. Nothing provided in this section shall prevent either party from submission of disputes to the courts. Land management companies and utilities may seek enforcement of sections 389.586 through 389.591 in a court of proper jurisdiction and shall be entitled to reasonable attorney fees if they prevail.

3. If the dispute over special circumstances concerns only the compensation associated with a crossing, then the utility may proceed with installation of the crossing during the pendency of the arbitration.]

[389.591. 1. Notwithstanding any provision of law to the contrary, sections 389.585 to 389.591 shall apply in all crossings of land management corridors involving a land management company and a utility and shall govern in the event of any conflict with any other provision of law, except that sections 389.585 to 389.591 shall not override or nullify the condemnation laws of this state nor confer the power of eminent domain on any entity not granted such power prior to August 28, 2013.

2. The provisions of sections 389.585 to 389.591 shall apply to a crossing commenced after August 28, 2013. These provisions shall also apply to a crossing commenced before August 28, 2013, but only upon the expiration or termination of the agreement for such crossing.]"; and

Further amend the title and enacting clause accordingly.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **House Amendment No. 1 to SB 500** and has taken up and passed **SB 500, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 508, as amended**, and has taken up and passed **HCS SB 508, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 584, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 656, as amended**, and has taken up and passed **CCS HCS SB 656**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 664, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS SB 729, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended**, and **House Amendment No. 4**.

Senators: Romine, Schmitt, Brown, Keaveny and Nasheed.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SS#2 SB 754, as amended**.

Senators: Sater, Brown, Schaaf, Justus and Walsh

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SCS SB 852, as amended**.

Senators: Schmitt, Dixon, Silvey, Curls and Keaveny

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SS SB 860, as amended**.

Senators: Wasson, Kraus, Wallingford, LeVota and Sifton

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 896, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

#### **BILLS CARRYING REQUEST MESSAGES**

**HCS SCS SB 896, as amended**, relating to county governance, was taken up by Representative Engler.

Representative Engler moved that the House refuse to recede from its position on **HCS SCS SB 896, as amended**, and grant the Senate a conference.

Which motion was adopted.

**SS SCS HCS HB 1439, as amended**, relating to firearms, was taken up by Representative Diehl.

Representative Diehl moved that the House grant the Senate a further conference on **SS SCS HCS HB 1439, as amended**.

Which motion was adopted.

**HCS SCS SB 664, as amended**, relating to natural resources, was taken up by Representative Diehl.

Representative Diehl moved that the House refuse to recede from its position on **HCS SCS SB 664, as amended**, and grant the Senate a conference.

Which motion was adopted.

### HOUSE BILLS WITH SENATE AMENDMENTS

**SS HB 1707**, relating to community college police officers, was taken up by Representative Conway (104).

Representative Conway (104) moved that the House refuse to adopt **SS HB 1707** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

### BILLS CARRYING REQUEST MESSAGES

**HCS SB 584, as amended**, relating to taxation, was taken up by Representative Burlison.

Representative Guernsey assumed the Chair.

Representative Burlison moved that the House refuse to recede from its position on **HCS SB 584, as amended**, and grant the Senate a conference.

Which motion was adopted.

Speaker Jones resumed the Chair.

### APPOINTMENT OF CONFERENCE COMMITTEES

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

**SS SCS HCS HB 1231**: Representatives Cox, Cornejo and Colona

**SS SCS HCS HB 1439**: Representatives Funderburk, Hicks and Frame

**SCS HB 1553**: Representatives Dohrman, Allen and Colona

**SCS HCS HB 1831**: Representatives Fitzpatrick, Bernskoetter and Schupp

**HCS SCS SB 664**: Representatives Miller, Phillips and Anders

**HCS SCS SB 896**: Representatives Engler, Austin and Wright

### BILLS IN CONFERENCE

**SCS HCS HB 1831, as amended**, relating to child care facilities, was taken up by Representative Fitzpatrick.

Representative Fitzpatrick moved that the House conferees be allowed to exceed the differences on the conference committee report on **SCS HCS HB 1831, as amended**, for the sole purpose of adding provisions in Section 210.027.

Which motion was adopted.

### HOUSE BILLS WITH SENATE AMENDMENTS

**SS SCS HCS HBs 1665 & 1335**, relating to the publishing of certain photographs on internet websites, was taken up by Representative Jones (50).

Representative Jones (50) moved that the House refuse to adopt **SS SCS HCS HBs 1665 & 1335** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SS SCS HCS HB 1439, as amended**.

Senators: Nieves, Munzlinger, Dixon, Justus and Holsman

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HCS HBs 1665 & 1335** and grants the House a conference thereon.

Also, the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House.

Senators: Schaefer, Dixon, Lager, Justus and Keaveny

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS HB 1707** and grants the House a conference thereon.

Also, the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House.

Senators: Kehoe, Lager, Munzlinger, Sifton and Holsman

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate conferees on **SCS HCS HB 1831** are allowed to exceed the differences for the sole purpose of adding provisions in Section 210.027.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS for SB 506, as amended**, and has taken up and passed **HCS SB 506, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SB 584, as amended**.

Senators: Dixon, Kraus, Lager, Sifton and LeVota

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SCS SB 664, as amended**.

Senators: Brown, Romine, Sater, Sifton and Justus

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 680, as amended**, and has taken up and passed **HCS SCS SB 680, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SCS SB 896, as amended**.

Senators: Wallingford, Silvey, Schaaf, Keaveny and Nasheed.

#### **APPOINTMENT OF CONFERENCE COMMITTEES**

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

**SCS HCS HBs 1665 & 1335:** Representatives Jones (50), Elmer and Webber

**SS HB 1707:** Representatives Phillips, Conway (104) and Walton Gray

**HCS SB 584:** Representatives Burlison, Koenig and Carpenter

#### **REFERRAL OF SENATE JOINT RESOLUTION**

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

**HCS SJR 30** - Fiscal Review

#### **REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

**SCS SB 829** - Fiscal Review

**SUPPLEMENTAL CALENDAR**

May 15, 2014

**SENATE JOINT RESOLUTIONS FOR THIRD READING**

HCS SJR 30 (Fiscal Review 5/15/14) - Haahr

**SENATE BILLS FOR THIRD READING**

- 1 HCS SS SB 507 - Haar
  - 2 HCS SS SCS SB 707 - Guersney
  - 3 SCS SB 829 (Fiscal Review 5/15/14) - Hoskins
- 

**RECESS**

Representative Diehl moved that the House stand in recess for the purpose of receiving messages from the Senate and the distribution of conference committee reports, or until 1:00 a.m., whichever is earlier, and then stand adjourned until 9:00 a.m, Friday, May 16, 2014.

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1231**

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1231, with Senate Amendment Nos. 1, 2, 3, 4, 5, 6, and 7 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1231, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 1231;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1231, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Stanley Cox  
/s/ Robert Cornejo  
/s/ Mike Colona

FOR THE SENATE:

/s/ Bob Dixon  
/s/ Kurt Schaefer  
/s/ Eric Schmitt  
/s/ Jolie Justus  
/s/ Joseph Keaveny

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1553**

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 1553, with Senate Amendment Nos. 1, 2, 3, and 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1553, as amended;
2. That the House recede from its position on House Bill No. 1553;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 1553, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Dean Dohrman  
/s/ Sue Allen

FOR THE SENATE:

/s/ David Pearce  
/s/ Bob Dixon  
/s/ Kurt Schaefer  
/s/ Joseph Keaveny  
/s/ Jamilah Nasheed

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NOS. 1665 & 1335**

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1665 & 1335, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1665 & 1335;
2. That the House recede from its position on House Committee Substitute for House Bill Nos. 1665 & 1335;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1665 & 1335, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Caleb Jones  
/s/ Kevin Elmer  
/s/ Stephen Webber

FOR THE SENATE:

/s/ Brad Lager  
/s/ Bob Dixon  
/s/ Joseph Keaveny  
/s/ Jolie Justus

**CONFERENCE COMMITTEE REPORT NO. 2  
ON  
SENATE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1685**

The Conference Committee appointed on Senate Substitute for House Committee Substitute for House Bill No. 1685, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Committee Substitute for House Bill No. 1685;
2. That the House recede from its position on House Committee Substitute for House Bill No. 1685;
3. That the attached Conference Committee Substitute No. 2 for Senate Substitute for House Committee Substitute for House Bill No. 1685, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Jim Neely  
/s/ Todd Richardson  
/s/ Gina Mitten

FOR THE SENATE:

/s/ Rob Schaaf  
/s/ Jay Wasson  
/s/ David Sater  
/s/ Paul LeVota  
/s/ Jason Holsman

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1707**

The Conference Committee appointed on Senate Substitute for House Bill No. 1707, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Bill No. 1707, as amended;
2. That the House recede from its position on House Bill No. 1707;

3. That the attached Conference Committee Substitute for Senate Substitute for House Bill No. 1707, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Kathie Conway  
/s/ Don Phillips  
/s/ Rochelle Walton Gray

FOR THE SENATE:

/s/ Mike Kehoe  
/s/ Brad Lager  
/s/ Brian Munzlinger  
/s/ Jason Holsman

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1831**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1831, with Senate Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1831, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 1831;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1831, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Scott Fitzpatrick  
/s/ Mike Bernskoetter

FOR THE SENATE:

/s/ Eric Schmitt  
/s/ Rob Schaaf  
/s/ Jolie Justus

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 492**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 492, with House Amendment Nos. 1, 2, 3, and 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 492, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 492;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 492 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Pearce  
/s/ Dan Brown  
/s/ Gary Romine  
/s/ Joseph P. Keaveny  
/s/ Scott Sifton

FOR THE HOUSE:

/s/ Mike Thomson  
/s/ Kathryn Swan  
/s/ Tommie Pierson

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 584**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 584, with House Amendment Nos. 1, 2, 3, and 4, House Amendment No. 1 to House Amendment No. 5, and House Amendment No. 5, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 584, as amended;

2. That the Senate recede from its position on Senate Bill No. 584;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 584 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Bob Dixon  
/s/ Will Kraus  
/s/ Brad Lager

FOR THE HOUSE:

/s/ Eric Burlison  
/s/ Andrew Koenig

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 615**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 615, with House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 615, as amended;
2. That the Senate recede from its position on Senate Bill No. 615;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 615 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Bob Dixon  
/s/ Kurt Schaefer  
/s/ Eric Schmitt  
/s/ Jolie Justus  
/s/ Joseph Keaveny

FOR THE HOUSE:

/s/ Kevin Austin  
/s/ Robert Cornejo  
/s/ Mike Colona

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 656**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 656, with House Amendment Nos. 1, 2, 3, and 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 656, as amended;
2. That the Senate recede from its position on Senate Bill No. 656;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 656 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Will Kraus  
/s/ Brian Munzlinger  
/s/ Bob Dixon

FOR THE HOUSE:

/s/ Kevin Elmer  
/s/ Caleb Jones

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 664**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 664, with House Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 664, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 664;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 664 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Dan Brown  
/s/ Gary Romine  
/s/ David Sater  
/s/ Jolie Justus

FOR THE HOUSE:

/s/ Rocky Miller  
/s/ Don Phillips  
/s/ Ira Anders

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 729**

The Conference Committee appointed on Senate Committee Substitute for Senate Bill No. 729, with House Amendment Nos. 1, 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3 as amended and House Amendment No. 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Committee Substitute for Senate Bill No. 729, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 729;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 729 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Gary Romine  
/s/ Eric Schmitt  
/s/ Dan Brown  
/s/ Joseph Keaveny  
/s/ Jamilah Nasheed

FOR THE HOUSE:

/s/ Jeanie Lauer  
/s/ Paul Fitzwater  
/s/ Michele Kratky

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE SUBSTITUTE NO. 2  
FOR  
SENATE BILL NO. 754**

The Conference Committee appointed on House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 754, with House Amendment Nos. 1, 2, 3, 4, 5, 6, and 7, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 754, as amended;
2. That the Senate recede from its position on Senate Substitute No. 2 for Senate Bill No. 754;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 754 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Sater  
/s/ Dan Brown  
/s/ Rob Schaaf  
/s/ Jolie Justus  
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Tom Flanigan  
/s/ Todd Richardson  
/s/ Chris Kelly

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 852**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 852, with House Amendment Nos. 1, 2, 3, 4, 5, House Amendment No. 1 to House Amendment No. 6, House Amendment No. 6 as amended, House Amendment No. 7, and House Substitute Amendment No. 1 for House Amendment No. 8, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 852, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 852;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 852 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Eric Schmitt  
/s/ Bob Dixon  
/s/ Ryan Silvey  
/s/ Shalomn "Kiki" Curls  
/s/ Joseph P. Keaveny

FOR THE HOUSE:

/s/ Shawn Rhoads  
/s/ Dave Hinson  
/s/ John Rizzo

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE SUBSTITUTE  
FOR  
SENATE BILL NO. 860**

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 860, with House Amendment Nos. 1 and 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 860, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 860;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 860 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Jay Wasson  
/s/ Will Kraus  
/s/ Wayne Wallingford  
/s/ Paul LeVota

FOR THE HOUSE:

/s/ Sandy Crawford  
/s/ John Diehl  
/s/ Jon Carpenter

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 896**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 896, with House Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 896, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 896;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 896 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Wayne Wallingford  
/s/ Ryan Silvey  
/s/ Rob Schaaf  
/s/ Joseph Keaveny  
/s/ Jamilah Nasheed

FOR THE HOUSE:

/s/ Kevin Engler  
/s/ Kevin Austin  
/s/ John Wright

**ADJOURNMENT**

Pursuant to the motion of Representative Diehl, the House adjourned until 9:00 a.m., Friday, May 16, 2014.

**COMMITTEE HEARINGS**

**FISCAL REVIEW**

Friday, May 16, 2014, 8:00 AM, House Hearing Room 2.

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

**HOUSE CALENDAR**

SEVENTIETH DAY, FRIDAY, MAY 16, 2014

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HCS HJR 62 - Bahr
- 2 HJR 70 - Jones (50)

**HOUSE BILLS FOR PERFECTION**

- 1 HB 1821 - Diehl
- 2 HB 1342 - Scharnhorst
- 3 HCS HB 1350 - Richardson
- 4 HCS HB 1116 - Hicks
- 5 HCS HB 1662 - Richardson
- 6 HB 1474 - Brattin
- 7 HCS HB 1967 - Koenig
- 8 HCS#2 HB 1153 - Pace
- 9 HB 1314 - Frederick
- 10 HCS HB 1484 - Korman
- 11 HB 1541 - Hubbard
- 12 HCS HB 1583 - Berry
- 13 HCS HB 1728 - Love
- 14 HB 2070 - Hough
- 15 HCS HB 2078 - Funderburk
- 16 HCS HB 2131 - Elmer
- 17 HB 2155 - Scharnhorst
- 18 HCS HB 1054 - Barnes
- 19 HCS HB 1056 - Johnson
- 20 HCS HB 1183 - Gosen
- 21 HCS HB 1478 - Swan
- 22 HB 1486 - Fitzpatrick
- 23 HB 1543 - Hinson
- 24 HCS HB 1725 - Frederick
- 25 HCS HB 1743 - Funderburk
- 26 HCS HB 1935 - Austin
- 27 HCS HB 1949 - Thomson
- 28 HCS HB 1990 - Fitzwater
- 29 HB 1993 - Bernskoetter
- 30 HCS HB 2049 - Fitzpatrick
- 31 HB 2099 - Franklin
- 32 HB 1142 - Flanigan
- 33 HB 1152 - Pace
- 34 HCS HB 1200 - Burlison
- 35 HCS HB 1247 - Wood

- 36 HCS HBs 1258 & 1267 - Rowden
- 37 HCS HB 1448 - Cox
- 38 HB 1668 - Allen
- 39 HCS HB 1807 - Solon
- 40 HCS HB 1823 - Berry
- 41 HB 1976 - Spencer
- 42 HB 2053 - Curtman
- 43 HB 2219 - Peters
- 44 HB 1111 - Rowland
- 45 HCS HB 1488 - Bahr
- 46 HCS HB 1492 - Lichtenegger
- 47 HCS HB 1540 - Fitzwater
- 48 HB 1737 - Burlison
- 49 HCS HB 1842 - Frederick
- 50 HCS HB 2209 - Molendorp
- 51 HB 1065 - Grisamore
- 52 HCS HB 1309 - Sommer
- 53 HB 1347 - Haahr
- 54 HCS HB 1364 - Bahr
- 55 HB 1544 - Rowden
- 56 HB 1562 - Kratky
- 57 HCS HB 1634 - Hough
- 58 HCS HB 1639 - Funderburk
- 59 HCS HB 1734 - Fraker
- 60 HCS HB 1845 - Anderson
- 61 HB 1899 - Pfautsch
- 62 HCS HB 2038 - Hicks
- 63 HCS HB 2112 - Gatschenberger
- 64 HCS HB 2188 - Muntzel
- 65 HB 1188 - Elmer
- 66 HCS HB 1257 - Wilson
- 67 HCS HB 1344 - Gosen
- 68 HB 1548 - McGaugh
- 69 HCS HB 1640 - Reiboldt
- 70 HCS HB 1894 - Frederick
- 71 HB 2136 - Austin
- 72 HCS HB 2272 - Jones (50)
- 73 HCS HB 1846 - Cox
- 74 HCS HB 2050 - Curtman
- 75 HCS HB 1171 - Butler
- 76 HB 1103 - Gatschenberger

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- 77 HB 1281 - English
- 78 HCS HB 1285 - English
- 79 HB 1953 - Reiboldt
- 80 HB 2105 - Bernskoetter

#### **HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCS HCR 41 - Moon

#### **HOUSE BILLS FOR THIRD READING**

- 1 HB 1770 - Burlison
- 2 HCS HB 2118 - Cox

#### **HOUSE BILLS FOR THIRD READING - CONSENT**

HB 1568 - Frederick

#### **HOUSE CONCURRENT RESOLUTIONS**

- 1 HCR 8 - Richardson
- 2 HCR 16 - Guernsey
- 3 HCR 27 - May
- 4 HCR 50 - Shumake

#### **SENATE JOINT RESOLUTIONS FOR THIRD READING**

- 1 SCS SJR 27 - Curtman
- 2 HCS SJR 30, (Fiscal Review 5/15/14) - Haahr

#### **SENATE BILLS FOR THIRD READING**

- 1 SB 652 - Funderburk
- 2 SCS SB 613 - Funderburk
- 3 SB 766 - Mitten
- 4 SB 628, E.C. - Wilson
- 5 SB 718 - Davis
- 6 SB 601 - Funderburk
- 7 SS SCS SB 767 - Diehl
- 8 HCS SCS SB 567 - Swan
- 9 SCS SBs 638 & 647 - Engler
- 10 HCS SB 773, E.C. - Spencer
- 11 SCS SB 623, (Fiscal Review 5/7/14) - McGaugh
- 12 HCS SS SB 758 - McManus
- 13 HCS SB 605, (Fiscal Review 5/8/14) - Haahr
- 14 HCS SB 717 - Burlison

- 15 HCS SS SB 498, (Fiscal Review (5/12/14) - Molendorp
- 16 SB 527 - Swan
- 17 HCS SS SB 575 - Haahr
- 18 HCS SB 591, (Fiscal Review (5/13/14) - Reiboldt
- 19 HCS SCS SB 630, (Fiscal Review (5/13/14) - Dugger
- 20 SB 674 - Flanigan
- 21 SB 695 - Mitten
- 22 HCS SB 786 - Gosen
- 23 HCS SCS SB 824, (Fiscal Review (5/13/14) - Cornejo
- 24 HCS SCS SB 854, (Fiscal Review (5/13/14) - Elmer
- 25 HCS SCS SB 873, (Fiscal Review (5/13/14) - Torpey
- 26 HCS SB 874 - Gosen
- 27 SCS SB 642 - Engler
- 28 HCS SB 696 - Cornejo
- 29 SB 708, E.C. - Dugger
- 30 SB 818 - Davis
- 31 SB 842 - Kelley (127)
- 32 HCS SS SB 507 - Haahr
- 33 HCS SS SCS SB 707 - Guernsey
- 34 SCS SB 829, (Fiscal Review 5/15/14) - Hoskins

#### **SENATE CONCURRENT RESOLUTIONS FOR THIRD READING**

SCR 20 - Pierson

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SS SCS HCS HB 1124 - Kolkmeier
- 2 SCS HCS HB 2141, as amended - Diehl
- 3 HCS HB 1729, SA 1 - Jones (50)
- 4 SS HB 1184 - Grisamore
- 5 SS SCS HCS HB 1302 - Remole
- 6 SS SCS HCS HB 1371 - Cox
- 7 SS SCS HB 1865 - Redmon
- 8 SCS HCS HB 1689 - Swan
- 9 SS SCS HCS HB 1326, E.C. - Guernsey
- 10 SCS HB 1692, as amended - Korman
- 11 SCS HB 1390, as amended - Thomson
- 12 SCS HCS HB 1296, as amended - Koenig
- 13 SCS HCS HB 1614 - Burlison
- 14 SS SCS HCS HB 1867, as amended - Schatz
- 15 SCS HCS HB 1225 - Love
- 16 SCS HCS HB 1304 - Gosen

## **BILLS CARRYING REQUEST MESSAGES**

- 1 SCS HB 1468, (request House take up and pass SCS HB 1468) - Dohrman
- 2 HCS SCS SB 723, as amended (request House recede/take up and pass SCS SB 723) - Stream

## **BILLS IN CONFERENCE**

- 1 CCR SCS SB 612, HA 1, HA 2, HA 3, HA 4 & HA 5 - Hoskins
- 2 CCR#2 HCS SCS SB 716, as amended - Scharnhorst
- 3 CCR HCS SB 662, as amended - Koenig
- 4 CCR#2 HCS SB 693, as amended - Jones (50)
- 5 HCS SB 614, as amended - Cox
- 6 CCR#2 HCS SCS SB 672, as amended - Jones (50)
- 7 CCR HCS SCS SB 492, as amended - Thomson
- 8 CCR HCS SB 656, as amended - Elmer
- 9 CCR HCS SB 615, as amended, E.C. - Austin
- 10 CCR#2 HCS SB 621, as amended, E.C. - Cornejo
- 11 SS#2 SCS HB 1495 - Torpey
- 12 CCR#2 SS HCS HB 1685 - Neely
- 13 CCR SCS SB 729, with HA 1, HA 2, HA 1 HA 3, HA 3, aa, HA 4 - Lauer
- 14 CCR HCS SCS SB 852, as amended - Rhoads
- 15 CCR HCS SS#2 SB 754, as amended - Flanigan
- 16 CCR HCS SS SB 860, as amended - Crawford
- 17 CCR SS SCS HCS HB 1231, as amended (exceed differences), E.C. - Cox
- 18 CCR SCS HCS HB 1831, as amended (exceed differences) - Fitzpatrick
- 19 CCR SCS HB 1553, as amended - Dohrman
- 20 CCR HCS SCS SB 896, as amended - Engler
- 21 SS SCS HCS HB 1439, as amended - Funderburk
- 22 CCR HCS SCS SB 664, as amended - Miller
- 23 CCR HCS SB 584, as amended - Burlison
- 24 CCR SS HB 1707 - Conway (104)
- 25 CCR SS SCS HCS HBs 1665 & 1335 - Jones (50)

## **SENATE CONCURRENT RESOLUTIONS**

- 1 SS SCR 22 - Ross
- 2 SCR 17 - Hough
- 3 SCR 31 - Wieland
- 4 SCR 32 - Frederick
- 5 SCR 34 - Torpey
- 6 SCR 43 - Justus