

# JOURNAL OF THE HOUSE

First Regular Session, 98th GENERAL ASSEMBLY

FIFTY-NINTH DAY, TUESDAY, APRIL 28, 2015

The House met pursuant to adjournment.

Speaker Diehl in the Chair.

Prayer by Msgr. Robert A. Kurwicky, Chaplain.

*If any of you lacks wisdom, let him ask of God, who giveth to all men liberally; and it will be given him. (James 1:5)*

O Good Shepherd whose gentleness and mercy follows us all our days, may the thoughts in our minds and the attitudes of our hearts and the words on our lips be acceptable in Your sight as we face the tasks of this busy yet beautiful morning.

Amid the shifting scenes of multiple votes we pray for strength to carry our burdens, for wisdom to solve our problems, for understanding to relate ourselves affirmatively to others, and for the faith of the patriot dream.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

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

## HOUSE RESOLUTIONS

Representative Kelley offered House Resolution No. 2527.

## SECOND READING OF SENATE BILLS

The following Senate Bill was read the second time:

**SB 433**, relating to the compact for a balanced budget.

## COMMITTEE REPORTS

**Committee on Fiscal Review**, Chairman Allen reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SCS HCR 38**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 101**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 209**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 389**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 411**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 476**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 515**, with **Senate Amendment No. 1** and **Senate Amendment No. 2**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 627**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 842**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 1023**, 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 SCS SB 115**, 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 SB 282**, 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 456**, begs leave to report it has examined the same and recommends that it **Do Pass**.

#### **PERFECTION OF HOUSE JOINT RESOLUTIONS**

**HCS HJR 41**, relating to the Downsizing State Government Commission, was taken up by Representative Jones.

On motion of Representative Jones, **HCS HJR 41** was adopted.

On motion of Representative Jones, **HCS HJR 41** was ordered perfected and printed.

**THIRD READING OF HOUSE BILLS**

**HB 202**, relating to fees for optometric and ophthalmic services, was taken up by Representative Morris.

On motion of Representative Morris, **HB 202** was read the third time and passed by the following vote:

AYES: 140

Adams	Alfeman	Allen	Anders	Anderson
Andrews	Arthur	Austin	Bahr	Basye
Beard	Bernskoetter	Berry	Black	Bondon
Brown 94	Burns	Carpenter	Chipman	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Corlew
Comejo	Crawford	Cross	Curtis	Curtman
Davis	Dogan	Dohrman	Dugger	Eggleston
Engler	English	Entlicher	Fitzpatrick	Fitzwater 144
Fitzwater 49	Flanigan	Fraker	Franklin	Frederick
Gannon	Green	Haahr	Haefner	Hansen
Harris	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hubrecht	Hummel
Hurst	Johnson	Jones	Justus	Keeney
Kelley	Kendrick	Kidd	King	Kirkton
Kolkmeier	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Lavender	Leara	Lichtenegger
Love	Lynch	Mathews	May	McCaherty
McCann Beatty	McCreery	McDaniel	McGaugh	McManus
McNeil	Meredith	Messenger	Miller	Mims
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pietzman	Pike	Reiboldt	Remole
Rhoads	Richardson	Rizzo	Roden	Roeber
Rone	Ross	Rowland	Runions	Ruth
Shaul	Shull	Shumake	Smith	Sommer
Spencer	Swan	Taylor	Vescovo	Walker
Walton Gray	Webber	White	Zerr	Mr. Speaker

NOES: 013

Brattin	Burlison	Ellington	Gardner	Gosen
Hill	Koenig	Marshall	Mitten	Pogue
Solon	Wiemann	Wilson		

PRESENT: 000

ABSENT WITH LEAVE: 009

Barnes	Brown 57	Butler	Dunn	McDonald
Redmon	Rehder	Rowden	Wood	

VACANCIES: 001

Speaker Diehl declared the bill passed.

Representative Keeney assumed the Chair.

**BILLS CARRYING REQUEST MESSAGES**

**HCS SS SCS SB 5, as amended**, relating to local government, was taken up by Representative Curtman.

Representative Curtman moved that the House refuse to recede from its position on **HCS SS SCS SB 5, as amended**, and grant the Senate a conference.

Representative Richardson moved the previous question.

Which motion was adopted by the following vote:

AYES: 107

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Beard	Bernskoetter
Berry	Black	Bondon	Brattin	Brown 94
Burlison	Chipman	Cierpiot	Conway 104	Cookson
Corlew	Cornejo	Crawford	Cross	Curtman
Davis	Dogan	Dohman	Dugger	Eggleston
Engler	English	Entlicher	Fitzpatrick	Fitzwater 144
Fitzwater 49	Flanigan	Fraker	Frederick	Gannon
Gosen	Haefner	Hicks	Higdon	Hill
Hinson	Hoskins	Hough	Houghton	Hubrecht
Hurst	Johnson	Justus	Keeney	Kelley
Kidd	King	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Lichtenegger	Love
Lynch	Mathews	McCaherty	McDaniel	McGaugh
Messenger	Miller	Moon	Morris	Muntzel
Parkinson	Pfautsch	Phillips	Pietzman	Pike
Pogue	Redmon	Reiboldt	Remole	Rhoads
Richardson	Roden	Rone	Ross	Rowden
Rowland	Ruth	Shaul	Shull	Shumake
Solon	Sommer	Spencer	Swan	Taylor
Vescovo	Walker	White	Wiemann	Wilson
Wood	Zerr			

NOES: 043

Adams	Anders	Arthur	Bums	Butler
Carpenter	Colona	Conway 10	Curtis	Ellington
Gardner	Green	Harris	Hubbard	Hummel
Kendrick	Kirkton	Kratky	LaFaver	Lavender
Marshall	May	McCann Beatty	McCreery	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Runions
Smith	Walton Gray	Webber		

PRESENT: 000

ABSENT WITH LEAVE: 012

Brown 57	Dunn	Franklin	Haahr	Hansen
Jones	Leara	McDonald	Neely	Rehder
Roeber	Mr. Speaker			

VACANCIES: 001

Representative Curtman again moved that the House refuse to recede from its position on **HCS SS SCS SB 5, as amended**, and grant the Senate a conference.

Which motion was adopted.

**THIRD READING OF HOUSE BILLS**

**HCS HB 476**, relating to state funding for small school districts, was taken up by Representative Fitzwater (144).

On motion of Representative Fitzwater (144), **HCS HB 476** was read the third time and passed by the following vote:

AYES: 143

Adams	Alferman	Allen	Anders	Anderson
Andrews	Arthur	Austin	Bahr	Basye
Beard	Benskoetter	Berry	Black	Bondon
Brattin	Brown 57	Brown 94	Burlison	Burns
Butler	Carpenter	Chipman	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Corlew	Comejo
Crawford	Cross	Curtis	Davis	Dogan
Dohrman	Dugger	Eggleston	Engler	English
Entlicher	Fitzwater 144	Fitzwater 49	Fraker	Franklin
Frederick	Gannon	Gosen	Green	Haahr
Haefner	Hansen	Harris	Hicks	Higdon
Hill	Hoskins	Hough	Houghton	Hubbard
Hubrecht	Hummel	Hurst	Johnson	Jones
Justus	Keeney	Kendrick	Kidd	King
Kirkton	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lavender	Leara	Lichtenegger
Love	Lynch	Marshall	Mathews	May
McCaherty	McCann Beatty	McCreery	McDaniel	McGaugh
McManus	McNeil	Meredith	Miller	Mims
Mitten	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Newman	Nichols	Norr
Otto	Pace	Peters	Pfautsch	Pierson
Pietzman	Pike	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Rizzo	Roden
Roeber	Rone	Ross	Rowden	Rowland
Ruth	Shaul	Shull	Shumake	Smith
Solon	Sommer	Spencer	Swan	Taylor
Vescovo	Walker	Walton Gray	Webber	White
Wiemann	Wood	Zer		

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NOES: 006

Curtman	Ellington	Koenig	Parkinson	Pogue
Wilson				

PRESENT: 000

ABSENT WITH LEAVE: 013

Barnes	Dunn	Fitzpatrick	Flanigan	Gardner
Hinson	Kelley	Lauer	McDonald	Messenger
Phillips	Runions	Mr. Speaker		

VACANCIES: 001

Representative Keeney declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 135

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Barnes	Basye	Beard
Bernskoetter	Black	Brown 57	Brown 94	Bums
Butler	Carpenter	Chipman	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Corlew	Comejo
Crawford	Cross	Curtis	Davis	Dogan
Dohman	Dugger	Eggleston	Engler	English
Entlicher	Fitzwater 144	Fraker	Franklin	Frederick
Gannon	Gosen	Green	Haahr	Haefner
Hansen	Harris	Hicks	Higdon	Hill
Hinson	Hoskins	Hough	Houghton	Hubbard
Hubrecht	Hummel	Johnson	Jones	Justus
Keeney	Kendrick	King	Kirkton	Kolkmeier
Koman	Kratky	LaFaver	Lair	Lant
Lauer	Lavender	Leara	Lichtenegger	Love
Lynch	Mathews	May	McCaherty	McCann Beatty
McCreery	McDaniel	McDonald	McGaugh	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Morgan	Morris	Muntzel
Neely	Newman	Nichols	Norr	Otto
Pace	Pfautsch	Phillips	Pierson	Pietzman
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Rizzo	Roden	Roeber
Rone	Ross	Rowland	Runions	Ruth
Shaul	Shull	Shumake	Smith	Solon
Sommer	Swan	Taylor	Vescovo	Walker
Walton Gray	Webber	White	Wiemann	Wood

NOES: 019

Bahr	Berry	Bondon	Brattin	Burlison
Curtman	Ellington	Fitzpatrick	Fitzwater 49	Hurst
Kidd	Koenig	Marshall	Moon	Parkinson
Peters	Pogue	Spencer	Wilson	

PRESENT: 000

ABSENT WITH LEAVE: 008

Allen	Dunn	Flanigan	Gardner	Kelley
Rowden	Zerr	Mr. Speaker		

VACANCIES: 001

**HB 842**, relating to alcohol, was taken up by Representative McDaniel.

On motion of Representative McDaniel, **HB 842** was read the third time and passed by the following vote:

AYES: 147

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Bames	Basye
Beard	Bemskoetter	Berry	Black	Bondon
Brattin	Brown 57	Brown 94	Burlison	Bums
Butler	Carpenter	Chipman	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Corlew	Comejo
Crawford	Cross	Curtis	Davis	Dohman
Dugger	Eggleston	Ellington	Engler	English
Entlicher	Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker
Franklin	Frederick	Gannon	Gosen	Green
Haahr	Haefner	Hansen	Harris	Hicks
Higdon	Hill	Hinson	Hoskins	Hough
Houghton	Hubbard	Hubrecht	Hummel	Jones
Justus	Keeney	Kendrick	Kidd	King
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Lavender
Leara	Lichtenegger	Love	Lynch	Mathews
May	McCaherty	McCann Beatty	McCreery	McDaniel
McDonald	McGaugh	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Morgan	Morris	Muntzel	Neely	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Phillips	Pietzman	Pike
Redmon	Rehder	Reiboldt	Rhoads	Richardson
Rizzo	Roden	Roeber	Rone	Ross
Rowden	Rowland	Rumions	Ruth	Shaul
Shull	Shumake	Smith	Solon	Sommer
Spencer	Swan	Taylor	Vescovo	Walker
Walton Gray	Webber	White	Wiemann	Wilson
Wood	Zerr			

NOES: 008

Curtman	Dogan	Hurst	Johnson	Marshall
Moon	Pogue	Remole		

PRESENT: 000

ABSENT WITH LEAVE: 007

Allen	Dunn	Flanigan	Gardner	Kelley
Pierson	Mr. Speaker			

VACANCIES: 001

Representative Keeney declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 062

Alferman	Andrews	Barnes	Basye	Beard
Bernskoetter	Brown 57	Brown 94	Cierpiot	Colona
Cookson	Comejo	Crawford	Davis	Dohman
Dugger	Entlicher	Fitzwater 144	Fraker	Franklin
Gannon	Gosen	Haahr	Hill	Hinson
Hoskins	Hough	Hubbard	Hubrecht	Johnson
King	Lair	Lauer	Love	Lynch
Mathews	McCaherty	McDaniel	McGaugh	Messenger
Miller	Mims	Morris	Neely	Pfautsch
Pike	Redmon	Reiboldt	Rhoads	Richardson
Roden	Roeber	Rone	Rowden	Rowland
Shumake	Solon	Swan	Walker	Webber
White	Wood			

NOES: 090

Adams	Anders	Anderson	Arthur	Austin
Bahr	Berry	Black	Bondon	Brattin
Burlison	Burns	Butler	Carpenter	Chipman
Conway 10	Conway 104	Corlew	Cross	Curtis
Dogan	Eggleston	Ellington	Engler	English
Fitzpatrick	Fitzwater 49	Frederick	Green	Haefner
Hansen	Harris	Hicks	Higdon	Houghton
Hummel	Hurst	Justus	Keeney	Kendrick
Kidd	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lavender	Leara	Lichtenegger
Marshall	May	McCann Beatty	McCreery	McDonald
McManus	McNeil	Meredith	Mitten	Montecillo
Moon	Morgan	Muntzel	Newman	Nichols
Norr	Otto	Pace	Peters	Phillips
Pierson	Pietzman	Pogue	Rehder	Remole
Rizzo	Ross	Runions	Ruth	Shaul
Shull	Smith	Sommer	Spencer	Taylor
Vescovo	Walton Gray	Wiemann	Wilson	Zerr

PRESENT: 000

ABSENT WITH LEAVE: 010

Allen	Curtman	Dunn	Flanigan	Gardner
Jones	Kelley	Lant	Parkinson	Mr. Speaker

VACANCIES: 001

**HCS HB 209**, relating to crime victim compensation, was taken up by Representative Conway (104).

On motion of Representative Conway (104), **HCS HB 209** was read the third time and passed by the following vote:

AYES: 155

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Bames	Basye
Beard	Bernskoetter	Berry	Black	Bondon
Brattin	Brown 57	Brown 94	Burlison	Bums
Butler	Carpenter	Chipman	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Corlew	Comejo
Crawford	Cross	Curtis	Curtman	Davis
Dogan	Dohrman	Dugger	Eggleston	Ellington
Engler	English	Entlicher	Fitzpatrick	Fitzwater 144
Fitzwater 49	Flanigan	Fraker	Franklin	Frederick
Gannon	Gardner	Gosen	Green	Haahr
Haefner	Hansen	Harris	Hicks	Higdon
Hill	Hinson	Hoskins	Hough	Houghton
Hubbard	Hubrecht	Hummel	Hurst	Johnson
Jones	Justus	Keeney	Kendrick	Kidd
King	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Lavender	Leara	Lichtenegger	Love	Lynch
Marshall	Mathews	May	McCaherty	McCann Beatty
McCreery	McDaniel	McDonald	McGaugh	McManus
McNeil	Meredith	Messenger	Miller	Mitten
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pietzman	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Rizzo	Roden
Roeber	Rone	Ross	Rowden	Rowland
Runions	Ruth	Shaul	Shull	Shumake
Smith	Solon	Sommer	Spencer	Swan
Taylor	Vescovo	Walker	Walton Gray	White
Wiemann	Wilson	Wood	Zerr	Mr. Speaker

NOES: 001

Pogue

PRESENT: 000

ABSENT WITH LEAVE: 006

Allen	Dunn	Kelley	Mims	Richardson
Webber				

VACANCIES: 001

Representative Keeney declared the bill passed.

**HCS HB 1023**, relating to the development of school quality, was taken up by Representative Swan.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

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AYES: 111

Alferman	Anderson	Andrews	Austin	Bahr
Barnes	Basye	Beard	Bemskoetter	Berry
Black	Bondon	Brattin	Brown 57	Brown 94
Burlison	Chipman	Cierpiot	Cookson	Corlew
Crawford	Cross	Curtman	Davis	Dogan
Dohman	Dugger	Eggleston	Engler	English
Entlicher	Fitzpatrick	Fitzwater 144	Fitzwater 49	Flanigan
Fraker	Franklin	Frederick	Gannon	Gosen
Haahr	Haefner	Hansen	Hicks	Higdon
Hill	Hinson	Hoskins	Hough	Houghton
Hubrecht	Hurst	Johnson	Justus	Keeney
Kelley	Kidd	King	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	Mathews
McCaherty	McDaniel	McGaugh	Messenger	Miller
Moon	Morris	Muntzel	Neely	Pfautsch
Phillips	Pietzman	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Roden	Roeber	Rone	Ross	Rowden
Rowland	Ruth	Shaul	Shull	Shumake
Solon	Sommer	Spencer	Swan	Taylor
Vescovo	Walker	White	Wiemann	Wood
Zerr				

NOES: 043

Adams	Anders	Arthur	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Ellington
Gardner	Green	Harris	Hubbard	Hummel
Kendrick	Kirkton	Kratky	LaFaver	Lavender
May	McCann Beatty	McCreery	McDonald	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Runions
Smith	Walton Gray	Webber		

PRESENT: 000

ABSENT WITH LEAVE: 008

Allen	Conway 104	Comejo	Dunn	Jones
Parkinson	Wilson	Mr. Speaker		

VACANCIES: 001

On motion of Representative Swan, **HCS HB 1023** was read the third time and passed by the following vote:

AYES: 152

Adams	Alferman	Allen	Anders	Anderson
Andrews	Arthur	Austin	Bahr	Barnes
Basye	Beard	Bemskoetter	Berry	Black
Bondon	Brattin	Brown 57	Brown 94	Burlison
Burns	Butler	Carpenter	Chipman	Cierpiot

Colona	Conway 10	Cookson	Corlew	Comejo
Crawford	Cross	Curtis	Curtman	Davis
Dogan	Dohrman	Eggleston	Ellington	Engler
English	Entlicher	Fitzwater 144	Fitzwater 49	Flanigan
Fraker	Franklin	Frederick	Gannon	Gardner
Gosen	Green	Haahr	Haefner	Hansen
Harris	Hicks	Higdon	Hill	Hinson
Hoskins	Hough	Houghton	Hubbard	Hubrecht
Hummel	Hurst	Johnson	Jones	Justus
Keeney	Kelley	Kendrick	Kidd	King
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Lavender
Leara	Lichtenegger	Love	Lynch	Mathews
May	McCaherty	McCann Beatty	McCreery	McDaniel
McDonald	McGaugh	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Morgan	Morris	Muntzel	Neely	Newman
Nichols	Norr	Otto	Pace	Peters
Pfäutsch	Phillips	Pierson	Pietzman	Pike
Rehder	Reiboldt	Remole	Rhoads	Richardson
Rizzo	Roden	Roeber	Rone	Ross
Rowden	Rowland	Runions	Ruth	Shaul
Shull	Shumake	Smith	Solon	Sommer
Spencer	Swan	Taylor	Vescovo	Walker
Walton Gray	Webber	White	Wiemann	Wilson
Wood	Zerr			

NOES: 004

Fitzpatrick	Marshall	Moon	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 006

Conway 104	Dugger	Dunn	Parkinson	Redmon
Mr. Speaker				

VACANCIES: 001

Representative Keeney declared the bill passed.

**HB 411**, relating to taxation, was taken up by Representative Kelley.

**HB 411** was laid over.

**HB 389**, relating to tax collection, was taken up by Representative Hoskins.

Representative Richardson moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Alferman	Allen	Anderson	Andrews	Austin
Barnes	Basye	Beard	Bery	Black
Bondon	Brattin	Brown 57	Brown 94	Burlison
Chipman	Cierpiot	Conway 104	Cookson	Corlew
Crawford	Cross	Curtman	Davis	Dogan
Eggleston	Engler	English	Entlicher	Fitzpatrick
Fitzwater 144	Fitzwater 49	Fraker	Franklin	Frederick
Gannon	Gosen	Haahr	Haefner	Hansen
Higdon	Hill	Hinson	Hoskins	Houghton
Hubrecht	Hurst	Johnson	Justus	Keeney
Kelley	King	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Lera	Lichtenegger
Love	Lynch	Mathews	McCaherty	McDaniel
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Parkinson	Pfausch	Phillips
Pietzman	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Roden
Roeber	Rone	Ross	Rowden	Rowland
Ruth	Shaul	Shull	Shumake	Solon
Sommer	Spencer	Swan	Taylor	Vescovo
Walker	White	Wiemann	Wilson	Wood
Zerr				

NOES: 044

Adams	Anders	Arthur	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Ellington
Gardner	Green	Harris	Hubbard	Hummel
Kendrick	Kirkton	Kratky	LaFaver	Lavender
Marshall	May	McCann Beatty	McCreery	McDonald
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Runions	Smith	Walton Gray	Webber	

PRESENT: 000

ABSENT WITH LEAVE: 012

Bahr	Bernskoetter	Comejo	Dohman	Dugger
Dunn	Flanigan	Hicks	Hough	Jones
Kidd	Mr. Speaker			

VACANCIES: 001

On motion of Representative Hoskins, **HB 389** was read the third time and passed by the following vote:

AYES: 115

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Beard	Bernskoetter
Bery	Black	Bondon	Brattin	Brown 57

Brown 94	Burlison	Butler	Chipman	Cierpiot
Conway 104	Cookson	Corlew	Comejo	Crawford
Cross	Curtman	Davis	Dogan	Dohman
Dugger	Eggleston	Engler	English	Entlicher
Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker	Franklin
Frederick	Gannon	Gosen	Haahr	Haefner
Hansen	Harris	Higdon	Hill	Hinson
Hoskins	Hough	Houghton	Hubrecht	Hurst
Johnson	Jones	Justus	Keeney	Kelley
King	Koenig	Kolkmeier	Korman	LaFaver
Lair	Lant	Lauer	Lera	Lichtenegger
Love	Lynch	Marshall	Mathews	May
McCaherty	McDaniel	McGaugh	Messenger	Miller
Morris	Muntzel	Neely	Parkinson	Päutsch
Phillips	Pietzman	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Roden
Roeber	Rone	Ross	Rowden	Rowland
Ruth	Shaul	Shull	Shumake	Sommer
Spencer	Swan	Taylor	Vescovo	Walker
White	Wiemann	Wilson	Wood	Zerr

NOES: 040

Adams	Anders	Arthur	Burns	Carpenter
Colona	Conway 10	Curtis	Ellington	Gardner
Green	Hubbard	Hummel	Kendrick	Kirkton
Kratky	Lavender	McCann Beatty	McCreery	McDonald
McManus	McNeil	Meredith	Mitten	Montecillo
Moon	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Pogue
Rizzo	Runions	Smith	Walton Gray	Webber

PRESENT: 000

ABSENT WITH LEAVE: 007

Dunn	Flanigan	Hicks	Kidd	Mims
Solon	Mr. Speaker			

VACANCIES: 001

Representative Keeney declared the bill passed.

**HCS HB 627**, relating to infrastructure investment, was taken up by Representative King.

Representative Richardson moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Alferman	Allen	Anderson	Andrews	Austin
Barnes	Basye	Beard	Bemskoetter	Berry
Black	Bondon	Brattin	Brown 57	Brown 94
Burlison	Chipman	Cierpiot	Conway 104	Cookson

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Corlew	Crawford	Cross	Curtman	Davis
Dogan	Dohrman	Eggleston	Engler	English
Entlicher	Fitzwater 144	Fitzwater 49	Flanigan	Fraker
Frederick	Gannon	Haahr	Hansen	Hicks
Higdon	Hill	Hinson	Hoskins	Hough
Houghton	Hubrecht	Hurst	Johnson	Justus
Keeney	Kelley	Kidd	King	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Mathews
McDaniel	McGaugh	Messenger	Miller	Moon
Morris	Muntzel	Neely	Parkinson	Pfautsch
Phillips	Pietzman	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Richardson	Roeber
Rone	Ross	Rowden	Rowland	Ruth
Shaul	Shull	Shumake	Solon	Sommer
Spencer	Swan	Taylor	Vescovo	Walker
White	Wiemann	Wood	Zerr	

NOES: 044

Adams	Anders	Arthur	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Ellington
Gardner	Green	Harris	Hubbard	Hummel
Kendrick	Kirkton	Kratky	LaFaver	Lavender
Marshall	May	McCann Beatty	McCreery	McDonald
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Runions	Smith	Walton Gray	Webber	

PRESENT: 000

ABSENT WITH LEAVE: 014

Bahr	Comejo	Dugger	Dunn	Fitzpatrick
Franklin	Gosen	Haefher	Jones	McCaherty
Rhoads	Roden	Wilson	Mr. Speaker	

VACANCIES: 001

On motion of Representative King, **HCS HB 627** was read the third time and passed by the following vote:

AYES: 087

Allen	Austin	Basye	Beard	Bemskoetter
Berry	Black	Bondon	Brown 57	Burns
Butler	Chipman	Cierpiot	Conway 10	Cookson
Corlew	Crawford	Cross	Davis	Dogan
Dohrman	Engler	Entlicher	Fitzwater 144	Flanigan
Fraker	Gannon	Engler	Haahr	Hansen
Harris	Hicks	Higdon	Hoskins	Hough
Houghton	Hubbard	Hubrecht	Johnson	Justus
Kelley	Kidd	King	Kolkmeyer	Korman
Kratky	Lair	Lant	Lauer	Leara
Lichtenegger	Lynch	McCreery	McGaugh	Messenger
Miller	Mims	Morris	Muntzel	Neely

Norr	Pfäutsch	Phillips	Pike	Redmon
Reiboldt	Rhoads	Richardson	Roden	Roeber
Rone	Rowden	Rowland	Runions	Ruth
Shaul	Shull	Shumake	Solon	Sommer
Spencer	Swan	Vescovo	Walker	Wiemann
Wood	Zerr			

NOES: 063

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Barnes	Brattin	Brown 94	Burlison
Carpenter	Colona	Conway 104	Curtis	Curtman
Eggleston	Ellington	English	Fitzwater 49	Frederick
Gardner	Hill	Hinson	Hummel	Hurst
Keeney	Kendrick	Kirkton	Koenig	LaFaver
Lavender	Love	Marshall	Mathews	May
McCann Beatty	McDaniel	McDonald	McManus	McNeil
Meredith	Mitten	Montecillo	Moon	Morgan
Newman	Nichols	Otto	Pace	Parkinson
Peters	Pierson	Pietzman	Pogue	Rehder
Remole	Rizzo	Ross	Smith	Taylor
Walton Gray	Webber	White		

PRESENT: 000

ABSENT WITH LEAVE: 012

Bahr	Comejo	Dugger	Dunn	Fitzpatrick
Franklin	Gosen	Haefner	Jones	McCaherty
Wilson	Mr. Speaker			

VACANCIES: 001

Representative Keeney declared the bill passed.

**HB 101**, relating to taxation of utilities used in food preparation, was taken up by Representative Redmon.

Representative Richardson moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

Alferman	Allen	Anderson	Andrews	Austin
Barnes	Basye	Beard	Bemskoetter	Berry
Black	Brattin	Brown 57	Brown 94	Burlison
Chipman	Cierpiot	Conway 104	Cookson	Corlew
Comejo	Crawford	Cross	Dogan	Dohman
Eggleston	Engler	English	Entlicher	Fitzwater 144
Fitzwater 49	Flanigan	Frederick	Gannon	Hansen
Hicks	Higdon	Hill	Hoskins	Houghton
Hubrecht	Hurst	Johnson	Justus	Keeney
Kelley	Kidd	King	Koenig	Kolkmeyer
Korman	Lair	Lauer	Leara	Love
Lynch	Mathews	McCaherty	McGaugh	Messenger

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Moon	Morris	Muntzel	Neely	Parkinson
Pfautsch	Pietzman	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Roeber	Rone	Ross	Rowden	Rowland
Ruth	Shaul	Shull	Shumake	Solon
Sommer	Spencer	Swan	Taylor	Vescovo
Walker	White	Wiemann	Wood	Zerr

NOES: 044

Adams	Anders	Arthur	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Ellington
Gardner	Green	Harris	Hubbard	Hummel
Kendrick	Kirkton	Kratky	LaFaver	Lavender
Marshall	May	McCann Beatty	McCreery	McDonald
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Runions	Smith	Walton Gray	Webber	

PRESENT: 000

ABSENT WITH LEAVE: 023

Bahr	Bondon	Curtman	Davis	Dugger
Dunn	Fitzpatrick	Fraker	Franklin	Gosen
Haahr	Haefner	Hinson	Hough	Jones
Lant	Lichtenegger	McDaniel	Miller	Phillips
Roden	Wilson	Mr. Speaker		

VACANCIES: 001

On motion of Representative Redmon, **HB 101** was read the third time and passed by the following vote:

AYES: 098

Alfman	Allen	Anderson	Andrews	Austin
Basye	Beard	Bemskoetter	Bery	Black
Brattin	Brown 57	Brown 94	Burlison	Chipman
Cierpiot	Conway 104	Cookson	Corlew	Comejo
Crawford	Cross	Curtman	Dogan	Dohman
Engler	Entlicher	Fitzwater 144	Fitzwater 49	Flanigan
Frederick	Gannon	Hansen	Hicks	Higdon
Hill	Hinson	Hoskins	Hough	Houghton
Hubbard	Hubrecht	Hurst	Johnson	Justus
Keeney	Kelley	King	Koenig	Kolkmeyer
Korman	Lair	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	Mathews	McCaherty
McGaugh	Messenger	Moon	Morris	Muntzel
Neely	Parkinson	Pfautsch	Phillips	Pietzman
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Roden	Roeber	Rone
Ross	Rowden	Rowland	Ruth	Shaul
Shull	Shumake	Solon	Sommer	Spencer
Swan	Taylor	Vescovo	Walker	Wiemann
Wilson	Wood	Zerr		

NOES: 049

Adams	Anders	Arthur	Barnes	Burns
Butler	Carpenter	Colona	Conway 10	Curtis
Dunn	Eggleston	Ellington	English	Gardner
Green	Harris	Hummel	Kendrick	Kidd
Kirkton	Kratky	LaFaver	Lavender	May
McCann Beatty	McCreery	McDonald	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Pogue	Rizzo	Runions
Smith	Walton Gray	Webber	White	

PRESENT: 000

ABSENT WITH LEAVE: 015

Bahr	Bondon	Davis	Dugger	Fitzpatrick
Fraker	Franklin	Gosen	Haahr	Haefner
Jones	Lant	McDaniel	Miller	Mr. Speaker

VACANCIES: 001

Representative Keeney declared the bill passed.

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

### AFTERNOON SESSION

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

### HOUSE RESOLUTIONS

Representative McCann Beatty offered House Resolution No. 2591.

### COMMITTEE REPORTS

**Committee on Fiscal Review**, Chairman Allen reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SS SCS HB 458, as amended**, begs leave to report it has examined the same and recommends that it **Do Pass**.

### PERFECTION OF HOUSE BILLS

**HB 824**, relating to water service, was taken up by Representative Korman.

Representative Keeney resumed the Chair.

On motion of Representative Korman, **HB 824** was ordered perfected and printed.

**HCS HB 122**, relating to firearms, was taken up by Representative McGaugh.

Representative Brown (57) offered **House Amendment No. 1.**

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 122, Page 7, Section 571.030, Line 166, by inserting after all of said section and line the following:

"571.101. 1. All applicants for concealed carry permits issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a concealed carry permit authorizing the carrying of a concealed firearm on or about the applicant's person or within a vehicle. A concealed carry permit shall be valid from the date of issuance or renewal until five years from the last day of the month in which the permit was issued or renewed. The concealed carry permit is valid throughout this state. Although the permit is considered valid in the state, a person who fails to renew his or her permit within five years from the date of issuance or renewal shall not be eligible for an exception to a National Instant Criminal Background Check under federal regulations currently codified under 27 CFR 478.102(d), relating to the transfer, sale, or delivery of firearms from licensed dealers. A concealed carry endorsement issued prior to August 28, 2013, shall continue from the date of issuance or renewal until three years from the last day of the month in which the endorsement was issued or renewed to authorize the carrying of a concealed firearm on or about the applicant's person or within a vehicle in the same manner as a concealed carry permit issued under subsection 7 of this section on or after August 28, 2013.

2. A concealed carry permit issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

- (1) Is at least nineteen years of age, is a citizen or permanent resident of the United States and either:
  - (a) Has assumed residency in this state; or
  - (b) Is a member of the Armed Forces stationed in Missouri, or the spouse of such member of the military;
- (2) Is at least nineteen years of age, or is at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and either:
  - (a) Has assumed residency in this state;
  - (b) Is a member of the Armed Forces stationed in Missouri; or
  - (c) The spouse of such member of the military stationed in Missouri and nineteen years of age;
  - (3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearms silencer or gas gun;
  - (4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a concealed carry permit or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a concealed carry permit;
  - (5) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;
  - (6) Has not been discharged under dishonorable conditions from the United States Armed Forces;
  - (7) Has not engaged in a pattern of behavior, documented in public or closed records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;
  - (8) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;
  - (9) Submits a completed application for a permit as described in subsection 3 of this section;
  - (10) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;
  - (11) Is not the respondent of a valid full order of protection which is still in effect;
  - (12) Is not otherwise prohibited from possessing a firearm under section 571.070 or 18 U.S.C. Section 922(g).

3. The application for a concealed carry permit issued by the sheriff of the county of the applicant's residence shall contain only the following information:

(1) The applicant's name, address, telephone number, gender, date and place of birth, and, if the applicant is not a United States citizen, the applicant's country of citizenship and any alien or admission number issued by the Federal Bureau of Customs and Immigration Enforcement or any successor agency;

(2) An affirmation that the applicant has assumed residency in Missouri or is a member of the Armed Forces stationed in Missouri or the spouse of such a member of the Armed Forces and is a citizen or permanent resident of the United States;

(3) An affirmation that the applicant is at least nineteen years of age or is eighteen years of age or older and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces;

(4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearms silencer, or gas gun;

(5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a permit or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a permit;

(6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearms silencer or gas gun;

(7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States Armed Forces;

(8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;

(9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

(10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect;

(11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury pursuant to the laws of the state of Missouri; and

(12) A government-issued photo identification. This photograph shall not be included on the permit and shall only be used to verify the person's identity for permit renewal, or for the issuance of a new permit due to change of address, or for a lost or destroyed permit.

4. An application for a concealed carry permit shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a concealed carry permit must also submit the following:

(1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; and

(2) A nonrefundable permit fee as provided by subsection 11 or 12 of this section.

5. (1) Before an application for a concealed carry permit is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a concealed carry permit, the applicant shall be fingerprinted. No other biometric data shall be collected from the applicant. The sheriff shall conduct an inquiry of the National Instant Criminal Background Check System within three working days after submission of the properly completed application for a concealed carry permit. If no disqualifying record is identified by these checks at the state level, the fingerprints shall be forwarded to the Federal

Bureau of Investigation for a national criminal history record check. Upon receipt of the completed report from the National Instant Criminal Background Check System and the response from the Federal Bureau of Investigation national criminal history record check, the sheriff shall examine the results and, if no disqualifying information is identified, shall issue a concealed carry permit within three working days.

(2) In the event the report from the National Instant Criminal Background Check System and the response from the Federal Bureau of Investigation national criminal history record check prescribed by subdivision (1) of this subsection are not completed within forty-five calendar days and no disqualifying information concerning the applicant has otherwise come to the sheriff's attention, the sheriff shall issue a provisional permit, clearly designated on the certificate as such, which the applicant shall sign in the presence of the sheriff or the sheriff's designee. This permit, when carried with a valid Missouri driver's or nondriver's license or a valid military identification, shall permit the applicant to exercise the same rights in accordance with the same conditions as pertain to a concealed carry permit issued under this section, provided that it shall not serve as an alternative to a national instant criminal background check required by 18 U.S.C. Section 922(t). The provisional permit shall remain valid until such time as the sheriff either issues or denies the certificate of qualification under subsection 6 or 7 of this section. The sheriff shall revoke a provisional permit issued under this subsection within twenty-four hours of receipt of any report that identifies a disqualifying record, and shall notify the concealed carry permit system established under subsection 5 of section 650.350. The revocation of a provisional permit issued under this section shall be proscribed in a manner consistent to the denial and review of an application under subsection 6 of this section.

6. The sheriff may refuse to approve an application for a concealed carry permit if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

7. If the application is approved, the sheriff shall issue a concealed carry permit to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the concealed carry permit in the presence of the sheriff or his or her designee.

8. The concealed carry permit shall specify only the following information:

- (1) Name, address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permit holder;
- (2) The signature of the sheriff issuing the permit;
- (3) The date of issuance; and
- (4) The expiration date.

The permit shall be no larger than two and one-eighth inches wide by three and three-eighths inches long and shall be of a uniform style prescribed by the department of public safety. The permit shall also be assigned a concealed carry permit system county code and shall be stored in sequential number.

9. (1) The sheriff shall keep a record of all applications for a concealed carry permit or a provisional permit and his or her action thereon. Any record of an application that is incomplete or denied for any reason shall be kept for a period not to exceed one year. Any record of an application that was approved shall be kept for a period of one year after the expiration and nonrenewal of the permit.

(2) The sheriff shall report the issuance of a concealed carry permit or provisional permit to the concealed carry permit system. All information on any such permit that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a concealed carry permit, provisional permit, or a concealed carry endorsement issued prior to August 28, 2013, shall not be public information and shall be considered personal protected information. Information retained in the concealed carry permit system under this subsection shall not be distributed to any federal, state, or private entities and shall only be made available for a single entry query of an individual in the event the individual is a subject of interest in an active criminal investigation or is arrested for a crime. A sheriff may access the concealed carry permit system for administrative purposes to issue a permit, verify the accuracy of permit holder information, change the name or address of a permit holder, suspend or revoke a permit, cancel an expired permit, or cancel a

permit upon receipt of a certified death certificate for the permit holder. Any person who violates the provisions of this subdivision by disclosing protected information shall be guilty of a class A misdemeanor.

10. Information regarding any holder of a concealed carry permit, or a concealed carry endorsement issued prior to August 28, 2013, is a closed record. No bulk download or batch data shall be distributed to any federal, state, or private entity, except to MoSMART or a designee thereof. Any state agency that has retained any documents or records, including fingerprint records provided by an applicant for a concealed carry endorsement prior to August 28, 2013, shall destroy such documents or records, upon successful issuance of a permit.

11. For processing an application for a concealed carry permit pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

12. For processing a renewal for a concealed carry permit pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund. **In all cases, the sheriff of any county with a charter form of government and with more than six hundred thousand inhabitants but fewer than seven hundred thousand inhabitants shall process a renewal for a concealed carry permit no later than thirty days from the receipt of a request by any individual eligible to receive a renewal for his or her concealed carry permit. The sheriff shall make a record of any oral or written request to renew a concealed carry permit for purposes of compliance with this subsection and shall retain such record for at least one year after a new permit is issued or an individual is found ineligible for a renewal. The sheriff shall contact those approved for renewal immediately and shall make the renewed permit available for receipt during normal business hours. The process for permit renewal, communication with applicants, scheduling meetings regarding permit renewal, or a request for more information, and the timely renewal of a concealed carry permit is a mandatory, ministerial duty of the office of sheriff and noncompliance may result in both injunctive relief and attorney costs issued against the office of sheriff.**

13. For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county.

14. For the purposes of this chapter, "concealed carry permit" shall include any concealed carry endorsement issued by the department of revenue before January 1, 2014, and any concealed carry document issued by any sheriff or under the authority of any sheriff after December 31, 2013."; and

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

**House Amendment No. 1** was withdrawn.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Beard	Bernskoetter
Berry	Black	Brattin	Brown 94	Burlison
Chipman	Cierpiot	Conway 104	Cookson	Corlew
Crawford	Cross	Curtman	Davis	Dogan
Dohrman	Dugger	Eggleston	English	Entlicher
Fitzpatrick	Fitzwater 144	Fitzwater 49	Flanigan	Fraker
Franklin	Frederick	Gannon	Gosen	Haahr
Hansen	Higdon	Hill	Hough	Houghton
Hubrecht	Hurst	Johnson	Justus	Keeney
Kelley	Kidd	King	Koenig	Kolkmeyer
Koman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Mathews	McCaherty
McGaugh	Messenger	Morris	Muntzel	Neely

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Parkinson	Pfäutsch	Phillips	Pietzman	Pike
Pogue	Reiboldt	Remole	Rhoads	Roden
Roeber	Rone	Ross	Rowden	Rowland
Ruth	Shaul	Shull	Shumake	Solon
Sommer	Swan	Taylor	Vescovo	Walker
White	Wiemann	Wilson	Zerr	Mr. Speaker

NOES: 044

Adams	Anders	Arthur	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellington	Gardner	Green	Harris	Hubbard
Hummel	Kendrick	Kirkton	Kratky	LaFaver
Lavender	Marshall	May	McCann Beatty	McCreery
McDonald	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Moon	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Runions	Walton Gray	

PRESENT: 000

ABSENT WITH LEAVE: 018

Bondon	Brown 57	Comejo	Engler	Haefner
Hicks	Hinson	Hoskins	Jones	McDaniel
Miller	Redmon	Rehder	Richardson	Smith
Spencer	Webber	Wood		

VACANCIES: 001

On motion of Representative McGaugh, **HCS HB 122** was adopted.

On motion of Representative McGaugh, **HCS HB 122** was ordered perfected and printed.

**HCS HB 697**, relating to expert witnesses, was taken up by Representative Corlew.

**HCS HB 697** was laid over.

### THIRD READING OF SENATE BILLS

**HCS SB 231**, relating to watercraft, was taken up by Representative Rhoads.

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

#### *House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 231, Page 15, Section 306.100, Line 95, by inserting after all of said section and line the following:

**"306.910. 1. For purposes of this section, the following terms shall mean:**  
**(1) "Outfitter", any individual, group, corporation, or other business entity which rents or provides the opportunity to the public to use any watercraft on the state's streams or rivers;**  
**(2) "Water patrol division", the water patrol division of the state highway patrol;**

(3) "Watercraft", any canoe, kayak, raft, innertube, or other flotation device propelled by the use of paddles, oars, or other nonmotorized means of propulsion.

2. By January 1, 2016, the water patrol division shall develop an informational brochure regarding the laws, regulations, and associated penalties relating to recreational water use as they pertain to individuals participating in the recreational use of the state's streams or rivers.

3. The water patrol division shall distribute the informational brochures developed under this section to all campgrounds and outfitters that rent or provide watercraft for use on a stream or river.

4. No more than one hundred thousand dollars shall be expended on the development and printing of the informational brochure under this section."; and

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

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

*House Amendment No. 1*

*to*

*House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for Senate Bill No. 231 Page 1, Lines 5-6, by deleting the words "**rents or provides the opportunity to the public to use any watercraft on the state's streams or rivers**" and inserting in lieu thereof the following:

**"which is a registered member of the Missouri Canoe and Floaters Association";** and

Further amend said amendment and page, Line 16, by deleting the phrase ""; and" and inserting immediately after said line the following:

**"5. The water patrol division shall distribute the informational brochures developed under this section to all county commissioners in this state.";** and"; and

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

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

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

On motion of Representative Rhoads, **HCS SB 231, as amended,** was adopted.

On motion of Representative Rhoads, **HCS SB 231, as amended,** was read the third time and passed by the following vote:

AYES: 125

Adams	Alferman	Allen	Anders	Anderson
Andrews	Arthur	Austin	Bahr	Bames
Basye	Beard	Bernskoetter	Berry	Black
Bondon	Brattin	Brown 57	Brown 94	Burlison
Butler	Carpenter	Chipman	Cierpiot	Conway 104
Cookson	Corlew	Comejo	Crawford	Cross
Curtis	Curtman	Davis	Dogan	Dohrman
Dugger	Eggleston	Engler	English	Entlicher
Fitzwater 144	Fitzwater 49	Fraker	Franklin	Frederick

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Gannon	Gosen	Haahr	Hansen	Harris
Hill	Hinson	Hoskins	Hough	Houghton
Hubrecht	Hummel	Hurst	Johnson	Jones
Justus	Keeney	Kelley	Kendrick	Kidd
King	Koenig	Kolkmeier	LaFaver	Lair
Lant	Lauer	Lavender	Leara	Lichtenegger
Love	Lynch	Mathews	May	McCaherty
McCann Beatty	McCreery	McDaniel	McGaugh	McManus
Messenger	Miller	Morris	Muntzel	Neely
Norr	Otto	Parkinson	Peters	Pfautsch
Phillips	Pietzman	Pike	Rehder	Reiboldt
Remole	Rhoads	Richardson	Rizzo	Roeber
Rone	Ross	Rowden	Rowland	Runions
Ruth	Shaul	Shull	Shumake	Solon
Sommer	Spencer	Swan	Taylor	Vescovo
Walker	White	Wiemann	Wilson	Zerr

NOES: 026

Bums	Colona	Conway 10	Dunn	Ellington
Fitzpatrick	Gardner	Green	Hubbard	Kirkton
Korman	Kratky	Marshall	McNeil	Meredith
Mims	Mitten	Montecillo	Moon	Morgan
Newman	Nichols	Pace	Pierson	Pogue
Walton Gray				

PRESENT: 000

ABSENT WITH LEAVE: 011

Flanigan	Haefner	Hicks	Higdon	McDonald
Redmon	Roden	Smith	Webber	Wood
Mr. Speaker				

VACANCIES: 001

Representative Keeney declared the bill passed.

**SB 68**, relating to boards of directors for industrial development corporations, was taken up by Representative Black.

On motion of Representative Black, **SB 68** was truly agreed to and finally passed by the following vote:

AYES: 132

Alferman	Allen	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Barnes	Basye
Beard	Bernskoetter	Berry	Black	Bondon
Brattin	Brown 57	Brown 94	Burlison	Bums
Butler	Carpenter	Chipman	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Corlew	Comejo
Crawford	Cross	Curtis	Curtman	Davis
Dogan	Dohrman	Dugger	Dunn	Eggleston
Engler	English	Entlicher	Fitzpatrick	Fitzwater 144
Fitzwater 49	Flanigan	Fraker	Franklin	Frederick

Gannon	Gosen	Green	Haahr	Hansen
Harris	Hill	Hinson	Hoskins	Hough
Houghton	Hubrecht	Hummel	Hurst	Johnson
Jones	Justus	Keeney	Kelley	Kendrick
Kidd	King	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Lavender	Leara	Lichtenegger	Love	Lynch
Mathews	McCaherty	McCann Beatty	McDaniel	McGaugh
McManus	Messenger	Miller	Mims	Morgan
Morris	Muntzel	Neely	Parkinson	Peters
Pfäutsch	Phillips	Pietzman	Pike	Rehder
Reiboldt	Remole	Rhoads	Richardson	Rizzo
Roden	Roeber	Rone	Ross	Rowland
Runions	Ruth	Shaul	Shull	Shumake
Smith	Solon	Sommer	Spencer	Swan
Taylor	Vescovo	Walker	White	Wiemann
Wilson	Zerr			

NOES: 021

Adams	Ellington	Gardner	Hubbard	Kirkton
Marshall	May	McCreery	McNeil	Meredith
Mitten	Montecillo	Moon	Newman	Nichols
Norr	Otto	Pace	Pierson	Pogue
Walton Gray				

PRESENT: 000

ABSENT WITH LEAVE: 009

Haefner	Hicks	Higdon	McDonald	Redmon
Rowden	Webber	Wood	Mr. Speaker	

VACANCIES: 001

Representative Keeney declared the bill passed.

**HCS SCS SBs 34 & 105**, relating to military and overseas voter registration, was taken up by Representative Davis.

On motion of Representative Davis, **HCS SCS SBs 34 & 105** was adopted.

On motion of Representative Davis, **HCS SCS SBs 34 & 105** was read the third time and passed by the following vote:

AYES: 154

Adams	Alferman	Allen	Anders	Anderson
Andrews	Arthur	Austin	Bahr	Bames
Basye	Beard	Bernskoetter	Berry	Black
Bondon	Brattin	Brown 57	Brown 94	Burlison
Burns	Butler	Carpenter	Chipman	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Corlew
Comejo	Crawford	Cross	Curtis	Curtman
Davis	Dogan	Dohrman	Dugger	Dunn

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Eggleston	Ellington	Engler	English	Entlicher
Fitzpatrick	Fitzwater 144	Fitzwater 49	Flanigan	Fraker
Franklin	Frederick	Gannon	Gardner	Gosen
Green	Hansen	Harris	Hill	Hinson
Hoskins	Hough	Houghton	Hubbard	Hubrecht
Hummel	Hurst	Johnson	Jones	Justus
Keeney	Kelley	Kendrick	Kidd	King
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Lavender
Leara	Lichtenegger	Love	Lynch	Marshall
Mathews	May	McCaherty	McCann Beatty	McCreery
McDaniel	McGaugh	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Phillips	Pierson
Pietzman	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Rizzo	Roden
Roeber	Rone	Ross	Rowland	Runions
Ruth	Shaul	Shull	Shumake	Smith
Solon	Sommer	Spencer	Swan	Taylor
Vescovo	Walker	Walton Gray	Webber	White
Wiemann	Wilson	Wood	Zerr	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Haahr	Haefner	Hicks	Higdon	McDonald
Richardson	Rowden	Mr. Speaker		

VACANCIES: 001

Representative Keeney declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 135

Adams	Alfeman	Allen	Anders	Anderson
Andrews	Arthur	Austin	Bahr	Basye
Beard	Bernskoetter	Black	Brattin	Brown 57
Brown 94	Burlison	Bums	Carpenter	Chipman
Cierpiot	Conway 104	Cookson	Corlew	Comejo
Crawford	Cross	Curtis	Curtman	Davis
Dogan	Dohman	Dugger	Dunn	Eggleston
Ellington	Engler	English	Entlicher	Fitzpatrick
Fitzwater 144	Fitzwater 49	Flanigan	Fraker	Franklin
Frederick	Gannon	Gosen	Hansen	Harris
Hill	Hinson	Hoskins	Hough	Houghton
Hubbard	Hubrecht	Hummel	Hurst	Johnson
Jones	Justus	Keeney	Kelley	Kendrick
King	Kirkton	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Lavender	Leara
Lichtenegger	Love	Lynch	McCaherty	McCann Beatty

McDaniel	McDonald	McGaugh	McManus	McNeil
Meredith	Messenger	Miller	Mims	Montecillo
Moon	Morris	Muntzel	Neely	Newman
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pietzman	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Rizzo
Roden	Roeber	Rone	Ross	Rowden
Rowland	Runions	Ruth	Shaul	Shull
Shumake	Smith	Solon	Sommer	Spencer
Swan	Taylor	Vescovo	Walker	Walton Gray
Webber	White	Wiemann	Wood	Zerr

NOES: 018

Berry	Bondon	Butler	Colona	Conway 10
Gardner	Green	Kratky	LaFaver	Marshall
May	McCreery	Mitten	Morgan	Nichols
Pierson	Pogue	Wilson		

PRESENT: 000

ABSENT WITH LEAVE: 009

Barnes	Haahr	Haefner	Hicks	Higdon
Kidd	Mathews	Norr	Mr. Speaker	

VACANCIES: 001

**HCS SB 254**, relating to license plates, was taken up by Representative Davis.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 254, Page 1, In the Title, Line 3, by deleting the phrase "license plates" and inserting in lieu thereof "motor vehicles"; and

Further amend said bill, Page 7, Section 301.3142, Line 217, by inserting immediately after said section and line the following:

"301.196. 1. Beginning January 1, 2006, except as otherwise provided in this section, the transferor of an interest in a motor vehicle or trailer listed on the face of a Missouri title, excluding salvage titles and junking certificates, shall notify the department of revenue of the transfer within thirty days of the date of transfer. The notice shall be in a form determined by the department by rule and shall contain:

- (1) **The name of the transferor and transferee;**
- (2) A description of the motor vehicle or trailer sufficient to identify it;
- [(2)] (3) The vehicle identification number of the motor vehicle or trailer;
- [(3)] (4) The name and address of the transferee;
- [(4)] (5) The date of birth of the transferee, unless the transferee is not a natural person;
- [(5)] (6) The date of the transfer or sale;
- [(6)] (7) The purchase price of the motor vehicle or trailer, if applicable;
- [(7)] (8) The number of the transferee's drivers license, unless the transferee does not have a drivers license;
- [(8) The printed name and signature] (9) **The transferor's electronic signature if transmitted electronically or the signatures of the transferee and transferor if not submitted electronically. For the**

**purposes of this section, "transmitted electronically" shall have the same meaning as an electronic signature as defined in section 432.205;**

[9)] (10) Any other information required by the department by rule.

**2. A notice of sale substantially complying with the requirements of this section is effective even though it contains minor errors which are not materially misleading.**

3. For purposes of giving notice under this section, if the transfer occurs by operation of law, the personal representative, receiver, trustee, sheriff, or other representative or successor in interest of the person whose interest is transferred shall be considered the transferor. Repossession by a creditor shall not be considered a transfer of ownership requiring such notice.

[3.] 4. The requirements of this section shall not apply to transfers when there is no complete change of ownership interest or upon award of ownership of a motor vehicle or trailer made by court order, or transfers of ownership of a motor vehicle or trailer to or between vehicle dealers, or transfers of ownership of a motor vehicle or trailer to an insurance company due to a theft or casualty loss, or transfers of beneficial ownership of a motor vehicle owned by a trust.

[4.] 5. Notification under this section is only required for transfers of ownership that would otherwise require registration and an application for certificate of title in this state under section 301.190, and is for informational purposes only and does not constitute an assignment or release of any interest in the vehicle.

[5.] 6. Retail sales made by licensed dealers including sales of new vehicles shall be reported pursuant to the provisions of section 301.280."; and

Further amend said bill, Page 8, Section 301.3097, Line 26, by inserting immediately after said section and line the following:

"302.010. Except where otherwise provided, when used in this chapter, the following words and phrases mean:

- (1) "Circuit court", each circuit court in the state;
- (2) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than fifteen passengers;
- (3) "Conviction", any final conviction; also a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction, except that when any conviction as a result of which points are assessed pursuant to section 302.302 is appealed, the term "conviction" means the original judgment of conviction for the purpose of determining the assessment of points, and the date of final judgment affirming the conviction shall be the date determining the beginning of any license suspension or revocation pursuant to section 302.304;
- (4) "Criminal history check", a search of criminal records, including criminal history record information as defined in section 43.500, maintained by the Missouri state highway patrol in the Missouri criminal records repository or by the Federal Bureau of Investigation as part of its criminal history records, including, but not limited to, any record of conviction, plea of guilty or nolo contendere, or finding of guilty in any state for any offense related to alcohol, controlled substances, or drugs;
- (5) "Director", the director of revenue acting directly or through the director's authorized officers and agents;
- (6) "Farm tractor", every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry;
- (7) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways, or alleys in any municipality;
- (8) "Incompetent to drive a motor vehicle", a person who has become physically incapable of meeting the prescribed requirements of an examination for an operator's license, or who has been adjudged by a probate division of the circuit court in a capacity hearing of being incapacitated;
- (9) "License", a license issued by a state to a person which authorizes a person to operate a motor vehicle;
- (10) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks except motorized bicycles, as defined in section 307.180;
- (11) "Motorcycle", a motor vehicle operated on two wheels; however, this definition shall not include motorized bicycles as defined in section 301.010;
- (12) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle operated with any conveyance, temporary or otherwise, requiring the use of a third wheel;

(13) "Moving violation", that character of traffic violation where at the time of violation the motor vehicle involved is in motion, except that the term does not include the driving of a motor vehicle without a valid motor vehicle registration license, or violations of sections 304.170 to 304.240, inclusive, relating to sizes and weights of vehicles;

(14) "Municipal court", every division of the circuit court having original jurisdiction to try persons for violations of city ordinances;

(15) "Nonresident", every person who is not a resident of this state;

(16) "Operator", every person who is in actual physical control of a motor vehicle upon a highway;

(17) "Owner", a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of sections 302.010 to 302.540;

(18) "Record" includes, but is not limited to, papers, documents, facsimile information, microphotographic process, electronically generated or electronically recorded information, digitized images, deposited or filed with the department of revenue;

(19) "Residence address", "residence", or "resident address" shall be the location at which a person has been physically present, and that the person regards as home. A residence address is a person's true, fixed, principal, and permanent home, to which a person intends to return and remain, even though currently residing elsewhere;

(20) "Restricted driving privilege", a **sixty-day** driving privilege issued by the director of revenue following a suspension of driving privileges for the limited purpose of driving in connection with the driver's business, occupation, employment, formal program of secondary, postsecondary or higher education, or for an alcohol education or treatment program or certified ignition interlock provider, **or a ninety-day 'interlock restricted privilege' issued by the director of revenue for the limited purpose of driving in connection with the driver's business, occupation, employment, seeking medical treatment for such driver or a dependent family member, attending school or other institution of higher education, attending alcohol or drug treatment programs, seeking the required services of a certified ignition interlock provider, fulfilling court obligations, including required appearances and probation and parole obligations, religious services, the care of a child or children, including scheduled visitation or custodial obligations pursuant to a court order, fueling requirements for any vehicle utilized, and seeking basic nutritional requirements;**

(21) "School bus", when used in sections 302.010 to 302.540, means any motor vehicle, either publicly or privately owned, used to transport students to and from school, or to transport pupils properly chaperoned to and from any place within the state for educational purposes. The term "school bus" shall not include a bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interstate transportation of passengers when such bus is not traveling a specific school bus route but is:

(a) On a regularly scheduled route for the transportation of fare-paying passengers; or

(b) Furnishing charter service for the transportation of persons enrolled as students on field trips or other special trips or in connection with other special events;

(22) "School bus operator", an operator who operates a school bus as defined in subdivision (21) of this section in the transportation of any schoolchildren and who receives compensation for such service. The term "school bus operator" shall not include any person who transports schoolchildren as an incident to employment with a school or school district, such as a teacher, coach, administrator, secretary, school nurse, or janitor unless such person is under contract with or employed by a school or school district as a school bus operator;

(23) "Signature", any method determined by the director of revenue for the signing, subscribing or verifying of a record, report, application, driver's license, or other related document that shall have the same validity and consequences as the actual signing by the person providing the record, report, application, driver's license or related document;

(24) "Substance abuse traffic offender program", a program certified by the division of alcohol and drug abuse of the department of mental health to provide education or rehabilitation services pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as the result of an alcohol- or drug-related traffic offense. Successful completion of such a program includes participation in any education or rehabilitation program required to meet the needs identified in the assessment screening. The assignment recommendations based upon such assessment shall be subject to judicial review as provided in subsection 14 of section 302.304 and subsections 1 and 5 of section 302.540;

(25) "Vehicle", any mechanical device on wheels, designed primarily for use, or used on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons.

\*302.060. 1. The director shall not issue any license and shall immediately deny any driving privilege:

(1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;

(2) To any person who is under the age of sixteen years, except as hereinafter provided;

(3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;

(4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

(5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;

(6) To any person who, when required by this law to take an examination, has failed to pass such examination;

(7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, until such judgment has been satisfied or the financial responsibility of such person, as described in section 303.120, has been established;

(8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;

(9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court shall order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

(10) To any person who has been found guilty of acting with criminal negligence while driving while intoxicated to cause the death of another person, or to any person who has been convicted twice within a five-year period of violating state law, county or municipal ordinance of driving while intoxicated, or any other intoxication-related traffic offense as defined in section 577.001, except that, after the expiration of five years from the date of conviction of the last offense of violating such law or ordinance, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding five years, and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court shall order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;

(11) To any person who is otherwise disqualified pursuant to the provisions of chapter 302, chapter 303, or section 544.046;

(12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of revenue stating that the director shall not issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or legal guardians are denying the driver's license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and correct. This provision shall not apply to any person who is legally emancipated. The parents or legal guardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license.

2. Any person whose license is reinstated under the provisions of subdivision (9) or (10) of subsection 1 of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device required for reinstatement under this subsection and for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309 shall have a photo identification technology feature, and a court may require a global positioning system feature for such device. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device **within the last three months of the six-month period of required installation of the ignition interlock device**, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended [for an additional six months] **until the person has completed three consecutive months with no violations as described in this section**. If the person fails to maintain such proof with the director, the license shall be suspended [for the remainder of the six-month period or] until proof as required by this section is filed with the director. [Upon the completion of the six-month period, the license shall be shown as reinstated, if the person is otherwise eligible.]

3. Any person who petitions the court for reinstatement of his or her license pursuant to subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri state highway patrol as provided in section 43.540, and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward a copy of the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.

\*302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows:

- (1) In the case of an initial suspension, thirty days after the effective date of the suspension;
- (2) In the case of a second suspension, sixty days after the effective date of the suspension;
- (3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension.

Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial

responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. If a person, otherwise subject to the provisions of this subsection, files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, there shall be no period of suspension. However, in lieu of a suspension the person shall instead complete a ninety-day period of restricted driving privilege. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated. Upon completion of such ninety-day period of restricted driving privilege, upon compliance with other requirements of law, and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such ninety-day period indicate that the ignition interlock device has registered a confirmed blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional thirty-day period of restricted driving privilege.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is equipped with a functioning, certified ignition interlock device installed pursuant to subsection 5 of this section, the person's driving privilege and license shall be suspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be revoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the Armed Forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the Armed Forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, except any suspension or revocation issued under section 302.410, 302.462, or 302.574, the person or nonresident has not paid the reinstatement fee of twenty dollars, the

director shall reinstate such license or privilege to operate a motor vehicle in this state. Any person who has had his or her license suspended or revoked under section 302.410, 302.462, or 302.574, shall be required to pay the reinstatement fee.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (24) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.001 or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

16. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a conviction for an intoxication-related traffic offense as defined under section 577.001, and who has a prior alcohol-related enforcement contact as defined under section 302.525, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device **within the last three months of the six-month period of required installation of the ignition interlock device**, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended [for an additional six months] **until the person has completed three consecutive months with no violations as described in this section**. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked and the person shall be guilty of a class A misdemeanor.

\*302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303.

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts, the director of revenue, or a commissioner operating under section 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges, except as provided under subdivision (8) of this subsection. Any application may be made in writing to the director of revenue and the person's reasons for requesting the limited driving privilege shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

- (a) A business, occupation, or employment;
- (b) Seeking medical treatment for such operator;
- (c) Attending school or other institution of higher education;
- (d) Attending alcohol or drug treatment programs;
- (e) Seeking the required services of a certified ignition interlock device provider; or
- (f) Any other circumstance the court or director finds would create an undue hardship on the operator,

the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator's principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant's driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303 for that vehicle.

(4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions of [paragraph (a) of] subdivision (6) of this subsection [on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or] **if such person has a license denial under paragraph (a) or (b) of subdivision (8) of this subsection[, or a license revocation under paragraph (g) of subdivision (6) of this subsection,] or on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license revocation under subdivision (2) of subsection 2 of section 302.525, or sections 302.574 or 577.041,** until the applicant has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of limited driving privilege. The ignition interlock device required for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of this subsection shall have a photo identification technology feature, and a court may require a global positioning system feature for such device.

(5) The court order or the director's grant of the limited or restricted driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension or revocation. The court order or the director's grant of the limited or restricted driving privilege shall also indicate whether a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle with the limited driving privilege. A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to

a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of installation of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

(6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a limited driving privilege whose license at the time of application has been suspended or revoked for the following reasons:

(a) [A conviction of violating the provisions of section 577.010 or 577.012, or any similar provision of any federal or state law, or a municipal or county law where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, until the person has completed the first thirty days of a suspension or revocation imposed pursuant to this chapter;

(b)] A conviction of any felony in the commission of which a motor vehicle was used **and such conviction occurred within the five year period prior to the date of application. However, any felony conviction for leaving the scene of an accident under section 577.060 shall not render the applicant ineligible for a limited driving privilege under this section;**

[(c)] **(b)** Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7), (8), (9), or (10) [or (11)] of subsection 1 of section 302.060; **or**

[(d)] Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, or having left the scene of an accident as provided in section 577.060];

[(e)] Due to a revocation for failure to submit to a chemical test pursuant to section 302.574 or due to a refusal to submit to a chemical test in any other state, unless such person has completed the first ninety days of such revocation and files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, provided the person is not otherwise ineligible for a limited driving privilege;

[(f)] **(c)** Due to a suspension pursuant to **subdivision (8) or (10) of subsection 1 of section 302.302** or subsection 2 of section 302.525 [and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited driving privilege; or

(g) Due to a revocation pursuant to subsection 2 of section 302.525 if such person has not completed the first forty-five days of such revocation, provided the person is not otherwise ineligible for a limited driving privilege].

(7) No person who possesses a commercial driver's license shall receive a limited driving privilege issued for the purpose of operating a commercial motor vehicle if such person's driving privilege is suspended, revoked, cancelled, denied, or disqualified. Nothing in this section shall prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial motor vehicle provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege.

(8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this subsection. Such person shall present evidence satisfactory to the court or the director that such person's habits and conduct show that the person no longer poses a threat to the public safety of this state. A circuit court shall grant a limited driving privilege to any individual who otherwise is eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related enforcement contact that resulted in the person's license denial.

(b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of acting with criminal negligence while driving while intoxicated to cause the death of another person, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this subsection. Such person shall present evidence satisfactory to the court or the director that such person's habits and conduct show that the person no longer poses a threat to the public safety of this state. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision. A circuit court shall grant a limited driving privilege to any individual

who otherwise is eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related enforcement contact that resulted in the person's license denial.

(9) A DWI docket or court established under section 478.007 may grant a limited driving privilege to a participant in or graduate of the program who would otherwise be ineligible for such privilege under another provision of law. [The DWI docket or court shall not grant a limited driving privilege to a participant during his or her initial forty-five days of participation.]

4. Any person who has received notice of denial of a request of limited driving privilege by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving privilege.

5. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

302.525. 1. The license suspension or revocation shall become effective fifteen days after the subject person has received the notice of suspension or revocation as provided in section 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.515. If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final order is issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

2. The period of license suspension or revocation under this section shall be as follows:

(1) If the person's driving record shows no prior alcohol-related enforcement contacts during the immediately preceding five years, the period of suspension shall be thirty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege as defined in section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be issued until he or she has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible. The restricted driving privilege shall indicate whether a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle. A copy of the restricted driving privilege shall be given to the person and such person shall carry a copy of the restricted driving privilege while operating a motor vehicle. In no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until the person has completed the first thirty days of a suspension under this section. If a person otherwise subject to the provisions of this subdivision files proof of installation with the department of revenue that any vehicle that he or she operates is equipped with a functioning, certified ignition interlock device, there shall be no period of suspension. However, in lieu of a suspension the person shall instead complete a ninety-day period of restricted driving privilege. Upon completion of such ninety-day period of restricted driving privilege, compliance with other requirements of law, and filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such ninety-day period indicate that the ignition interlock device has registered a confirmed blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional thirty-day period of restricted driving privilege. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated;

(2) The period of revocation shall be one year if the person's driving record shows one or more prior alcohol-related enforcement contacts during the immediately preceding five years;

(3) In no case shall restricted driving privileges be issued under this section to any person whose driving record shows one or more prior alcohol-related enforcement contacts until the person has [completed the first thirty days of a suspension under this section and has] filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of

the restricted driving privilege. If the person fails to maintain such proof the restricted driving privilege shall be terminated.

3. For purposes of this section, "alcohol-related enforcement contacts" shall include any suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving while intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle while having an unlawful alcohol concentration.

4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 or 577.012 or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section and any other suspension or revocation arising from such convictions shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation arising from such convictions, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods.

5. Any person who has had a license to operate a motor vehicle revoked under this section or suspended under this section with one or more prior alcohol-related enforcement contacts showing on their driver record shall be required to file proof with the director of revenue that any motor vehicle operated by that person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device **within the last three months of the six-month period of required installation of the ignition interlock device**, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended [for an additional six months] **until the person has completed three consecutive months with no violations as described in this section**. If the person fails to maintain such proof with the director, the license shall be suspended or revoked, [as applicable] **until proof as required by this section is filed with the director, and the person shall be guilty of a class A misdemeanor**.

302.574. 1. If a person who was operating a vehicle refuses upon the request of the officer to submit to any chemical test under section 577.041, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person notice of his or her right to file a petition for review to contest the license revocation.

2. Such officer shall make a certified report under penalties of perjury for making a false statement to a public official. The report shall be forwarded to the director of revenue and shall include the following:

(1) That the officer has:

(a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

(2) That the person refused to submit to a chemical test;

(3) Whether the officer secured the license to operate a motor vehicle of the person;

(4) Whether the officer issued a fifteen-day temporary permit;

(5) Copies of the notice of revocation, the fifteen-day temporary permit, and the notice of the right to file a petition for review. The notices and permit may be combined in one document; and

(6) Any license, which the officer has taken into possession, to operate a motor vehicle.

3. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident, such person's operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year.

4. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may petition for a hearing before a circuit division or associate division of the court in the county in which the arrest or stop occurred. The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation under this section. Upon the person's request, the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing, the court shall determine only:

(1) Whether the person was arrested or stopped;

(2) Whether the officer had:

(a) Reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer had reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

(3) Whether the person refused to submit to the test.

5. If the court determines any issue not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

6. Requests for review as provided in this section shall go to the head of the docket of the court wherein filed.

7. No person who has had a license to operate a motor vehicle suspended or revoked under the provisions of this section shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (24) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion under the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a similar offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.001, or of a person determined to have operated a motor vehicle with a blood alcohol content of fifteen-hundredths of one percent or more by weight. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted under this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof, to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due to the division of alcohol and drug abuse under this section, and shall accrue at a rate not to exceed the annual rates established under the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health under this section shall be deposited in the mental health earnings fund, which is created in section 630.053.

9. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program under this section shall be

subject to a penalty equal to the amount of interest accrued on the supplemental fees due to the division under this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action for the collection of said fees and accrued interest. The court shall assess attorneys' fees and court costs against any delinquent program.

10. Any person who has had a license to operate a motor vehicle revoked under this section and who has a prior alcohol-related enforcement contact, as defined in section 302.525, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of license reinstatement. Such ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device **within the last three months of the six-month period of required installation of the ignition interlock device**, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended [for an additional six months] **until the person has completed three consecutive months with no violations as described in this section**. If the person fails to maintain such proof with the director as required by this section, the license shall be rerevoked **until proof as required by this section is filed with the director**, and the person shall be guilty of a class A misdemeanor.

11. The revocation period of any person whose license and driving privilege has been revoked under this section and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked.

12. A person commits the offense of failure to maintain proof with the Missouri department of revenue if, when required to do so, he or she fails to file proof with the director of revenue that any vehicle operated by the person is equipped with a functioning, certified ignition interlock device or fails to file proof of financial responsibility with the department of revenue in accordance with chapter 303. The offense of failure to maintain proof with the Missouri department of revenue is a class A misdemeanor.

478.007. 1. Any circuit court, or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants with a county municipal court established under section 66.010, may establish a docket or court to provide an alternative for the judicial system to dispose of cases in which a person has pleaded guilty to driving while intoxicated or driving with excessive blood alcohol content and:

(1) The person was operating a motor vehicle with at least fifteen-hundredths of one percent or more by weight of alcohol in such person's blood; or

(2) The person has previously pleaded guilty to or has been found guilty of one or more intoxication-related traffic offenses as defined by section 577.023; or

(3) The person has two or more previous alcohol-related enforcement contacts as defined in section 302.525.

2. This docket or court shall combine judicial supervision, drug testing, continuous alcohol monitoring, **as defined in section 577.001**, substance abuse traffic offender program compliance, and treatment of DWI court participants. The court may assess any and all necessary costs for participation in DWI court against the participant. Any money received from such assessed costs by a court from a defendant shall not be considered court costs, charges, or fines. This docket or court may operate in conjunction with a drug court established pursuant to sections 478.001 to 478.006.

3. If the division of probation and parole is otherwise unavailable to assist in the judicial supervision of any person who wishes to enter a DWI court, a court-approved private probation service may be utilized by the DWI court to fill the division's role. In such case, any and all necessary additional costs may be assessed against the participant. No person shall be rejected from participating in DWI court solely for the reason that the person does not reside in the city or county where the applicable DWI court is located but the DWI court can base acceptance into a treatment court program on its ability to adequately provide services for the person or handle the additional caseload.

\*577.001. As used in this chapter, the following terms mean:

- (1) "Aggravated offender", a person who has been found guilty of:
  - (a) Three or more intoxication-related traffic offenses committed on separate occasions; or
  - (b) Two or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;
- (2) "Aggravated boating offender", a person who has been found guilty of:
  - (a) Three or more intoxication-related boating offenses; or
  - (b) Has been found guilty of one or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;
- (3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, or with a seat designed to carry more than one person, and handlebars for steering control;
- (4) "Court", any circuit, associate circuit, or municipal court, including traffic court, but not any juvenile court or drug court;
- (5) "Chronic offender", a person who has been found guilty of:
  - (a) Four or more intoxication-related traffic offenses committed on separate occasions; or
  - (b) Three or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or
  - (c) Two or more intoxication-related traffic offenses committed on separate occasions where both intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;
- (6) "Chronic boating offender", a person who has been found guilty of:
  - (a) Four or more intoxication-related boating offenses; or
  - (b) Three or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or
  - (c) Two or more intoxication-related boating offenses committed on separate occasions where both intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;
- (7) **"Continuous alcohol monitoring", automatically testing breath, blood, or transdermal alcohol concentration levels and tampering attempts at least once every hour, regardless of the location of the person who is being monitored, and regularly transmitting the data. Continuous alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of section 217.690;**
- (8) "Controlled substance", a drug, substance, or immediate precursor in schedules I to V listed in section 195.017;
- [(8)] (9) "Drive", "driving", "operates" or "operating", means physically driving or operating a vehicle or vessel;
- [(9)] (10) "Flight crew member", the pilot in command, copilots, flight engineers, and flight navigators;
- [(10)] (11) "Habitual offender", a person who has been found guilty of:
  - (a) Five or more intoxication-related traffic offenses committed on separate occasions; or
  - (b) Four or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or
  - (c) Three or more intoxication-related traffic offenses committed on separate occasions where at least two of the intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal

ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

(d) While driving while intoxicated, the defendant acted with criminal negligence to:

a. Cause the death of any person not a passenger in the vehicle operated by the defendant, including the death of an individual that results from the defendant's vehicle leaving a highway, as defined by section 301.010, or the highway's right-of-way; or

b. Cause the death of two or more persons; or

c. Cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person's blood;

[(11)] (12) "Habitual boating offender", a person who has been found guilty of:

(a) Five or more intoxication-related boating offenses; or

(b) Four or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(c) Three or more intoxication-related boating offenses committed on separate occasions where at least two of the intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(d) While boating while intoxicated, the defendant acted with criminal negligence to:

a. Cause the death of any person not a passenger in the vessel operated by the defendant, including the death of an individual that results from the defendant's vessel leaving the water; or

b. Cause the death of two or more persons; or

c. Cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person's blood;

[(12)] (13) "Intoxicated" or "intoxicated condition", when a person is under the influence of alcohol, a controlled substance, or drug, or any combination thereof;

[(13)] (14) "Intoxication-related boating offense", operating a vessel while intoxicated; boating while intoxicated; operating a vessel with excessive blood alcohol content or an offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense;

[(14)] (15) "Intoxication-related traffic offense", driving while intoxicated, driving with excessive blood alcohol content or an offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense;

[(15)] (16) "Law enforcement officer" or "arresting officer", includes the definition of law enforcement officer in section 556.061 and military policemen conducting traffic enforcement operations on a federal military installation under military jurisdiction in the state of Missouri;

[(16)] (17) "Operate a vessel", to physically control the movement of a vessel in motion under mechanical or sail power in water;

[(17)] (18) "Persistent offender", a person who has been found guilty of two or more intoxication-related traffic offenses committed on separate occasions;

[(18)] (19) "Persistent boating offender", a person who has been found guilty of two or more intoxication-related boating offenses committed on separate occasions;

[(19)] (20) "Prior offender", a person who has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged;

[(20)] (21) "Prior boating offender", a person who has been found guilty of one intoxication-related boating offense, where such prior offense occurred within five years of the occurrence of the intoxication-related boating offense for which the person is charged.

\*577.010. 1. A person commits the offense of driving while intoxicated if he or she operates a vehicle while in an intoxicated condition.

2. The offense of driving while intoxicated is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if:

- (a) The defendant is a prior offender; or
- (b) A person less than seventeen years of age is present in the vehicle;
- (3) A class E felony if:
  - (a) The defendant is a persistent offender; or
  - (b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to another person;
- (4) A class D felony if:
  - (a) The defendant is an aggravated offender;
  - (b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to a law enforcement officer or emergency personnel; or
  - (c) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to another person;
- (5) A class C felony if:
  - (a) The defendant is a chronic offender;
  - (b) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to a law enforcement officer or emergency personnel; or
  - (c) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of another person;
- (6) A class B felony if:
  - (a) The defendant is a habitual offender; or
  - (b) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of a law enforcement officer or emergency personnel;
- (7) A class A felony if the defendant is a habitual offender as a result of being found guilty of an act described under paragraph (d) of subdivision [(10)] (11) of section 577.001 and is found guilty of a subsequent violation of such paragraph.

3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of the offense of driving while intoxicated as a first offense shall not be granted a suspended imposition of sentence:

- (1) Unless such person shall be placed on probation for a minimum of two years; or
- (2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

4. **If a person is found guilty of a second or subsequent offense of driving while intoxicated, the court may order the person to submit to a period of continuous alcohol monitoring as a condition of probation.**

5. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section:

- (1) If the individual operated the vehicle with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;
- (2) If the individual operated the vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

[5.] 6. A person found guilty of the offense of driving while intoxicated:

(1) As a prior offender, persistent offender, aggravated offender, chronic offender, or habitual offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least thirty days of community service under the supervision of the court;

(3) As a persistent offender shall not be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least sixty days of community service under the supervision of the court;

(4) As an aggravated offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment; **and**

**(6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring.**

\*577.012. 1. A person commits the offense of driving with excessive blood alcohol content if such person operates:

(1) A vehicle while having eight-hundredths of one percent or more by weight of alcohol in his or her blood; or

(2) A commercial motor vehicle while having four one-hundredths of one percent or more by weight of alcohol in his or her blood.

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041.

3. The offense of driving with excessive blood alcohol content is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if the defendant is alleged and proved to be a prior offender;

(3) A class E felony if the defendant is alleged and proved to be a persistent offender;

(4) A class D felony if the defendant is alleged and proved to be an aggravated offender;

(5) A class C felony if the defendant is alleged and proved to be a chronic offender;

(6) A class B felony if the defendant is alleged and proved to be a habitual offender.

4. A person found guilty of the offense of driving with an excessive blood alcohol content as a first offense shall not be granted a suspended imposition of sentence:

(1) Unless such person shall be placed on probation for a minimum of two years; or

(2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates in and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

5. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 4 of this section:

(1) If the individual operated the vehicle with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

**6. If a person is found guilty of a second or subsequent offense of driving with an excessive blood alcohol content, the court may order the person to submit to a period of continuous alcohol monitoring as a condition of probation.**

7. A person found guilty of driving with excessive blood alcohol content:

(1) As a prior offender, persistent offender, aggravated offender, chronic offender or habitual offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least thirty days of community service under the supervision of the court;

(3) As a persistent offender shall not be granted parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least sixty days of community service under the supervision of the court;

(4) As an aggravated offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment; **and**

**(6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring.**

577.013. 1. A person commits the offense of boating while intoxicated if he or she operates a vessel while in an intoxicated condition.

2. The offense of boating while intoxicated is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if:

(a) The defendant is a prior boating offender; or

(b) A person less than seventeen years of age is present in the vessel;

(3) A class E felony if:

(a) The defendant is a persistent boating offender; or

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause physical injury to another person;

(4) A class D felony if:

(a) The defendant is an aggravated boating offender;

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause physical injury to a law enforcement officer or emergency personnel; or

(c) While boating while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to another person;

(5) A class C felony if:

(a) The defendant is a chronic boating offender;

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to a law enforcement officer or emergency personnel; or

(c) While boating while intoxicated, the defendant acts with criminal negligence to cause the death of another person;

(6) A class B felony if:

(a) The defendant is a habitual boating offender; or

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause the death of a law enforcement officer or emergency personnel;

(7) A class A felony if the defendant is a habitual offender as a result of being found guilty of an act described under paragraph (d) of subdivision [(11)] (12) of section 577.001 and is found guilty of a subsequent violation of such paragraph.

3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of the offense of boating while intoxicated as a first offense shall not be granted a suspended imposition of sentence:

(1) Unless such person shall be placed on probation for a minimum of two years; or

(2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates in and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

4. **If a person is found guilty of a second or subsequent offense of boating while intoxicated, the court may order the person to submit to a period of continuous alcohol monitoring as a condition of probation.**

5. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section:

(1) If the individual operated the vessel with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the vessel with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

[5.] 6. A person found guilty of the offense of boating while intoxicated:

(1) As a prior boating offender, persistent boating offender, aggravated boating offender, chronic boating offender or habitual boating offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior boating offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least two hundred forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

(3) As a persistent offender shall not be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least four hundred eighty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

(4) As an aggravated boating offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic boating offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment; **and**

**(6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring.**

577.014. 1. A person commits the offense of boating with excessive blood alcohol content if he or she operates a vessel while having eight-hundredths of one percent or more by weight of alcohol in his or her blood.

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041.

3. The offense of boating with excessive blood alcohol content is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if the defendant is alleged and proved to be a prior boating offender;

(3) A class E felony if the defendant is alleged and proved to be a persistent boating offender;

(4) A class D felony if the defendant is alleged and proved to be an aggravated boating offender;

(5) A class C felony if the defendant is alleged and proved to be a chronic boating offender;

(6) A class B felony if the defendant is alleged and proved to be a habitual boating offender.

4. A person found guilty of the offense of boating with excessive blood alcohol content as a first offense shall not be granted a suspended imposition of sentence:

(1) Unless such person shall be placed on probation for a minimum of two years; or

(2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood unless the individual participates in and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

5. When a person is not granted a suspended imposition of sentence for the reasons described in subsection 4 of this section:

(1) If the individual operated the vessel with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the vessel with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

**6. If a person is found guilty of a second or subsequent offense of boating with an excessive blood alcohol content, the court may order the person to submit to a period of continuous alcohol monitoring as a condition of probation.**

7. A person found guilty of the offense of boating with excessive blood alcohol content:

(1) As a prior boating offender, persistent boating offender, aggravated boating offender, chronic boating offender or habitual boating offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior boating offender, shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least two hundred forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

(3) As a persistent boating offender, shall not be granted parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least four hundred eighty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

(4) As an aggravated boating offender, shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic boating offender, shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment; **and**

**(6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring.**

Section B. Sections 302.010, 302.060, 302.302, 302.304, 302.309, 302.525, 302.574, 478.007, 577.001, 577.010, 577.012, 577.013, and 577.014 of Section A of this act shall become effective on January 1, 2017."; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 254, Page 7, Section 301.142, Line 217, by inserting after all of said section and line the following:

**"301.474. 1. Any person who has been awarded the military service award known as the "Korea Defense Service Medal" may apply for special motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.**

**2. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the Korea Defense Service Medal as the director may require.**

**3. Upon presentation of such proof of eligibility, payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law the director of**

revenue shall issue to the vehicle owner a special personalized license plate which shall bear the words "KOREA DEFENSE SERVICE MEDAL" at the bottom of the plate in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive as prescribed by section 301.130.

4. Such plates shall also bear an image of the Korea Defense Service Medal.

5. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section.

6. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person.

7. License plates issued under the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

8. The director may consult with any organization which represents the interests of persons receiving the Korea Defense Service Medal when formulating the design for the special license plates described in this section.

9. The director shall make all necessary rules and regulations for the administration of this section and shall design all necessary forms required by 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, 2015, shall be invalid and void."; and

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

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Bill No. 254, Page 1, Section A, Line 2, by inserting immediately after said line the following:

"301.130. 1. The director of revenue, upon receipt of a proper application for registration, required fees and any other information which may be required by law, shall issue to the applicant a certificate of registration in such manner and form as the director of revenue may prescribe and a set of license plates, or other evidence of registration, as provided by this section. Each set of license plates shall bear the name or abbreviated name of this state, the words "SHOW-ME STATE", the month and year in which the registration shall expire, and an arrangement of numbers or letters, or both, as shall be assigned from year to year by the director of revenue. The plates shall also contain fully reflective material with a common color scheme and design for each type of license plate issued pursuant to this chapter. The plates shall be clearly visible at night, and shall be aesthetically attractive. Special plates for qualified disabled veterans will have the "DISABLED VETERAN" wording on the license plates in preference to the words "SHOW-ME STATE" and special plates for members of the National Guard will have the "NATIONAL GUARD" wording in preference to the words "SHOW-ME STATE".

2. The arrangement of letters and numbers of license plates shall be uniform throughout each classification of registration. The director may provide for the arrangement of the numbers in groups or otherwise, and for other distinguishing marks on the plates.

3. All property-carrying commercial motor vehicles to be registered at a gross weight in excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters and driveaway vehicles shall be registered with the director of revenue as provided for in subsection 3 of section 301.030, or with the state highways and transportation commission as otherwise provided in this chapter, but only one license plate shall be issued for each such vehicle,

except as provided in this subsection. The applicant for registration of any property-carrying commercial vehicle registered at a gross weight in excess of twelve thousand pounds may request and be issued two license plates for such vehicle, and if such plates are issued, the director of revenue shall provide for distinguishing marks on the plates indicating one plate is for the front and the other is for the rear of such vehicle. The director may assess and collect an additional charge from the applicant in an amount not to exceed the fee prescribed for personalized license plates in subsection 1 of section 301.144.

4. The plates issued to manufacturers and dealers shall bear the letters and numbers as prescribed by section 301.560, and the director may place upon the plates other letters or marks to distinguish commercial motor vehicles and trailers and other types of motor vehicles.

5. No motor vehicle or trailer shall be operated on any highway of this state unless it shall have displayed thereon the license plate or set of license plates issued by the director of revenue or the state highways and transportation commission and authorized by section 301.140. Each such plate shall be securely fastened to the motor vehicle or trailer in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. Each such plate may be encased in a transparent cover so long as the plate is plainly visible and its reflective qualities are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds on the front and rear of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on the rear of such vehicles **either horizontally or vertically**, with the letters and numbers [thereon right side up] **plainly visible**. The license plate on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds shall be displayed on the front of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up or if two plates are issued for the vehicle pursuant to subsection 3 of this section, displayed in the same manner on the front and rear of such vehicles. The license plate or plates authorized by section 301.140, when properly attached, shall be prima facie evidence that the required fees have been paid.

6. (1) The director of revenue shall issue annually or biennially a tab or set of tabs as provided by law as evidence of the annual payment of registration fees and the current registration of a vehicle in lieu of the set of plates. Beginning January 1, 2010, the director may prescribe any additional information recorded on the tab or tabs to ensure that the tab or tabs positively correlate with the license plate or plates issued by the department of revenue for such vehicle. Such tabs shall be produced in each license bureau office.

(2) The vehicle owner to whom a tab or set of tabs is issued shall affix and display such tab or tabs in the designated area of the license plate, no more than one per plate.

(3) A tab or set of tabs issued by the director of revenue when attached to a vehicle in the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has been paid.

(4) Except as otherwise provided in this section, the director of revenue shall issue plates for a period of at least six years.

(5) For those commercial motor vehicles and trailers registered pursuant to section 301.041, the plate issued by the highways and transportation commission shall be a permanent nonexpiring license plate for which no tabs shall be issued. Nothing in this section shall relieve the owner of any vehicle permanently registered pursuant to this section from the obligation to pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall be returned to the highways and transportation commission upon the sale or disposal of the vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may be transferred to a replacement commercial motor vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement commercial motor vehicle. Upon payment of the annual registration fee, the highways and transportation commission shall issue a certificate of registration or other suitable evidence of payment of the annual fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued.

(6) Upon the sale or disposal of any vehicle permanently registered under this section, or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued for such vehicle shall be returned to the highways and transportation commission and shall not be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement vehicle. If a vehicle which is permanently registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated, the registrant shall be given credit for any unused portion of the annual registration fee when the vehicle is replaced by the purchase or lease of another vehicle during the registration year.

7. The director of revenue and the highways and transportation commission may prescribe rules and regulations for the effective administration of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

8. Notwithstanding the provisions of any other law to the contrary, owners of motor vehicles other than apportioned motor vehicles or commercial motor vehicles licensed in excess of eighteen thousand pounds gross weight may apply for special personalized license plates. Vehicles licensed for eighteen thousand pounds that display special personalized license plates shall be subject to the provisions of subsections 1 and 2 of section 301.030.

9. No later than January 1, 2009, the director of revenue shall commence the reissuance of new license plates of such design as directed by the director consistent with the terms, conditions, and provisions of this section and this chapter. Except as otherwise provided in this section, in addition to all other fees required by law, applicants for registration of vehicles with license plates that expire during the period of reissuance, applicants for registration of trailers or semitrailers with license plates that expire during the period of reissuance and applicants for registration of vehicles that are to be issued new license plates during the period of reissuance shall pay the cost of the plates required by this subsection. The additional cost prescribed in this subsection shall not be charged to persons receiving special license plates issued under section 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to section 301.131 and specialized license plates are exempt from the provisions of this subsection. Except for new, replacement, and transfer applications, permanent nonexpiring license plates issued to commercial motor vehicles and trailers registered under section 301.041 are exempt from the provisions of this subsection."; and

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

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

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

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Bill No. 254, Page 1, Section 301.142, Line 6, by inserting immediately after said line the following: "**assistant physicians**"; and

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

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

On motion of Representative Davis, **HCS SB 254, as amended**, was adopted.

On motion of Representative Davis, **HCS SB 254, as amended**, was read the third time and passed by the following vote:

AYES: 145

Adams	Alferman	Allen	Anders	Anderson
Andrews	Arthur	Austin	Bahr	Basye
Beard	Bernskoetter	Berry	Black	Bondon
Brattin	Brown 57	Brown 94	Burlison	Bums
Butler	Carpenter	Chipman	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Corlew	Comejo
Crawford	Cross	Curtis	Curtman	Davis
Dogan	Dohrman	Dugger	Dunn	Eggleston
Ellington	Engler	English	Entlicher	Fitzpatrick
Fitzwater 144	Fitzwater 49	Flanigan	Fraker	Franklin

Frederick	Gannon	Gosen	Hansen	Harris
Hill	Hinson	Hoskins	Hough	Houghton
Hubbard	Hubrecht	Hummel	Hurst	Johnson
Jones	Justus	Keeney	Kelley	Kendrick
Kidd	King	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Lavender	Leara	Lichtenegger	Love
Lynch	Mathews	McCaherty	McCann Beatty	McCreery
McDaniel	McDonald	McGaugh	McManus	McNeil
Meredith	Messenger	Miller	Mims	Morris
Muntzel	Neely	Newman	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pietzman	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Rizzo
Roden	Roeber	Rone	Ross	Rowland
Rumions	Ruth	Shaul	Shull	Shumake
Smith	Solon	Sommer	Spencer	Swan
Taylor	Vescovo	Walker	Walton Gray	Webber
White	Wiemann	Wilson	Wood	Zerr

NOES: 009

Gardner	Marshall	May	Mitten	Montecillo
Moon	Morgan	Nichols	Pogue	

PRESENT: 000

ABSENT WITH LEAVE: 008

Barnes	Green	Haahr	Haefner	Hicks
Higdon	Rowden	Mr. Speaker		

VACANCIES: 001

Representative Keeney declared the bill passed.

**HCS SB 283**, relating to public employee retirement systems, was taken up by Representative Leara.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 283, Page 13, Section 86.320, Line 22, by inserting after all of said line the following:

"105.669. 1. Any participant of a plan who is [found guilty] **convicted** of a felony offense listed in subsection 3 of this section, which is committed in direct connection with or directly related to the participant's duties as an employee on or after August 28, 2014, shall not be eligible to receive any retirement benefits from the respective plan based on service rendered on or after August 28, 2014, except a participant may still request from the respective retirement system a refund of the participant's plan contributions, including interest credited to the participant's account.

2. [Upon a finding of guilt, the court shall forward a notice of the court's finding to] **The employer of any participant who is charged or convicted of a felony offense listed in subsection 3 of this section, which is committed in direct connection with or directly related to the participant's duties as an employee on or after August 28, 2014, shall notify** the appropriate retirement system in which the offender was a participant[. The court

shall also make a determination on the value of the money, property, or services involved in committing the offense] **and provide information in connection with such charge or conviction.** The plans shall take all actions necessary to implement the provisions of this section.

3. [The finding of guilt for] **A felony conviction based on** any of the following offenses or a substantially similar offense provided under federal law shall result in the ineligibility of retirement benefits as provided in subsection 1 of this section:

(1) The offense of felony stealing under section 570.030 when such offense involved money, property, or services valued at five thousand dollars or more as determined by the court **prior to January 1, 2017, or the offense of a class D felony for stealing under section 570.030 on or after January 1, 2017;**

(2) The offense of felony receiving stolen property under section 570.080 when such offense involved money, property, or services valued at five thousand dollars or more as determined by the court;

(3) The offense of forgery under section 570.090;

(4) The offense of felony counterfeiting under section 570.103;

(5) The offense of bribery of a public servant under section 576.010; or

(6) The offense of acceding to corruption under section 576.020."; and

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

Representative Richardson moved the previous question.

Which motion was adopted by the following vote:

AYES: 107

Allen	Anderson	Andrews	Austin	Bahr
Barnes	Basye	Beard	Bemskoetter	Berry
Black	Bondon	Brattin	Brown 57	Brown 94
Burlison	Chipman	Cierpiot	Conway 104	Cookson
Corlew	Comejo	Crawford	Cross	Curtman
Davis	Dogan	Dohman	Dugger	Eggleston
Engler	Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker
Franklin	Frederick	Gannon	Gosen	Haahr
Hansen	Hill	Hinson	Hoskins	Hough
Houghton	Hubrecht	Hurst	Johnson	Jones
Justus	Keeney	Kidd	King	Koenig
Kolkmeier	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Mathews
McCaherty	McDaniel	McGaugh	Messenger	Miller
Moon	Morris	Muntzel	Neely	Parkinson
Pfautsch	Phillips	Pietzman	Pike	Pogue
Redmon	Rehder	Remole	Rhoads	Richardson
Roden	Roeber	Rone	Ross	Rowden
Rowland	Ruth	Shaul	Shull	Shumake
Solon	Sommer	Spencer	Swan	Taylor
Vescovo	Walker	White	Wiemann	Wilson
Wood	Zerr			

NOES: 044

Adams	Anders	Arthur	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellington	Gardner	Green	Harris	Hubbard
Hummel	Kendrick	Kirkton	Kratky	Lavender
Marshall	May	McCann Beatty	McCreery	McDonald
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr

Otto	Pace	Peters	Pierson	Rizzo
Runions	Smith	Walton Gray	Webber	

PRESENT: 000

ABSENT WITH LEAVE: 011

Alferman	English	Entlicher	Flanigan	Haefner
Hicks	Higdon	Kelley	LaFaver	Reiboldt
Mr. Speaker				

VACANCIES: 001

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 283, Page 1, Section A, Line 4, by inserting after said line the following:

"70.600. The following words and phrases as used in sections 70.600 to 70.755[, unless a different meaning is plainly required by the context,] shall mean:

(1) "Accumulated contributions", the total of all amounts deducted from the compensations of a member and standing to the member's credit in his or her individual account in the members deposit fund, together with investment credits thereon;

(2) "Actuarial equivalent", a benefit of equal reserve value;

(3) "Allowance", the total of the annuity and the pension. All allowances shall be paid not later than the tenth day of each calendar month;

(4) "Annuity", a monthly amount derived from the accumulated contributions of a member and payable by the system throughout the life of a person or for a temporary period;

(5) "Beneficiary", any person who is receiving or designated to receive a system benefit, except a retirant;

(6) "Benefit program", a schedule of benefits or benefit formulas from which the amounts of system benefits can be determined;

(7) "Board of trustees" or "board", the board of trustees of the system;

(8) "Compensation", the remuneration paid an employee by a political subdivision or by an elected fee official of the political subdivision for personal services rendered by the employee for the political subdivision or for the elected fee official in the employee's public capacity; provided, that for an elected fee official, "compensation" means that portion of his or her fees which is net after deduction of (a) compensation paid by such elected fee official to his or her office employees, if any, and (b) the ordinary and necessary expenses paid by such elected fee official and attributable to the operation of his or her office. In cases where an employee's compensation is not all paid in money, the political subdivision shall fix the reasonable value of the employee's compensation not paid in money. In determining compensation no consideration shall be given to:

(a) Any nonrecurring single sum payment paid by an employer;

(b) Employer contributions to any employee benefit plan or trust;

(c) Any other unusual or nonrecurring remuneration; or

(d) Compensation in excess of the limitations set forth in Internal Revenue Code Section 401(a)(17). The limitation on compensation for eligible employees shall not be less than the amount which was allowed to be taken into account under the system as in effect on July 1, 1993. For purposes of this paragraph, an "eligible employee" is an individual who was a member of the system before the first plan year beginning after December 31, 1995;

(9) "Credited service", the total of a member's prior service and membership service, to the extent such service is standing to the member's credit as provided in sections 70.600 to 70.755;

(10) "Employee", any person regularly employed by a political subdivision who receives compensation from the political subdivision for personal services rendered the political subdivision, including any elected official of the political subdivision whose position requires his or her regular personal services and who is compensated

wholly or in part on a fee basis, and including the employees of such elected fee officials who may be compensated by such elected fee officials. The term "employee" may include any elected county official. The term "employee" shall not include any person:

(a) Who is not an elected official of the political subdivision and who is included as an active member in any other plan similar in purpose to this system by reason of his or her employment with his or her political subdivision, except the federal Social Security Old Age, Survivors, and Disability Insurance Program, as amended; or

(b) Who acts for the political subdivision under contract; or

(c) Who is paid wholly on a fee basis, except elected officials and their employees; or

(d) Who holds the position of mayor, presiding judge, president or chairman of the political subdivision or is a member of the governing body of the political subdivision; except that, such an official of a political subdivision having ten or more other employees may become a member if the official is covered under the federal Social Security Old Age, Survivors, and Disability Insurance Program, as amended, by reason of such official's employment with his or her political subdivision, by filing written application for membership with the board after the date the official qualifies for such position or within thirty days after the date his or her political subdivision becomes an employer, whichever date is later;

(11) "Employer", any political subdivision which has elected to have all its eligible employees covered by the system;

(12) "Final average salary", the monthly average of the compensations paid an employee during the period of sixty or, if an election has been made in accordance with section 70.656, thirty-six consecutive months of credited service producing the highest monthly average, which period is contained within the period of one hundred twenty consecutive months of credited service immediately preceding his or her termination of membership. Should a member have less than sixty or, if an election has been made in accordance with section 70.656, thirty-six months of credited service, "final average salary" means the monthly average of compensation paid the member during his or her total months of credited service;

(13) "Fireman", any regular or permanent employee of the fire department of a political subdivision, including a probationary fireman. The term "fireman" shall not include:

(a) Any volunteer fireman; or

(b) Any civilian employee of a fire department, **except as provided in section 70.631**; or

(c) Any person temporarily employed as a fireman for an emergency;

(14) "Member", any employee included in the membership of the system;

(15) "Membership service", employment as an employee with the political subdivision from and after the date such political subdivision becomes an employer, which employment is creditable as service hereunder;

(16) "Minimum service retirement age", age sixty for a member who is neither a policeman nor a fireman; "minimum service retirement age", age fifty-five for a member who is a policeman or a fireman;

(17) "Pension", a monthly amount derived from contributions of an employer and payable by the system throughout the life of a person or for a temporary period;

(18) "Policeman", any regular or permanent employee of the police department of a political subdivision, including a probationary policeman. The term "policeman" shall not include:

(a) Any civilian employee of a police department, **except as provided in section 70.631**; or

(b) Any person temporarily employed as a policeman for an emergency;

(19) "Political subdivision", any governmental subdivision of this state created pursuant to the laws of this state, and having the power to tax, except public school districts; a board of utilities or a board of public works which is required by charter or ordinance to establish the compensation of employees of the utility separate from the compensation of other employees of the city may be considered a political subdivision for purposes of sections 70.600 to 70.755; a joint municipal utility commission may be considered a political subdivision for purposes of sections 70.600 to 70.755;

(20) "Prior service", employment as an employee with the political subdivision prior to the date such political subdivision becomes an employer, which employment is creditable as service hereunder;

(21) "Regular interest" or "investment credits", such reasonable rate or rates per annum, compounded annually, as the board shall adopt annually;

(22) "Reserve", the present value of all payments to be made on account of any system benefit based upon such tables of experience and regular interest as the board shall adopt from time to time;

(23) "Retirant", a former member receiving a system allowance by reason of having been a member;

(24) "Retirement system" or "system", the Missouri local government employees' retirement system"; and

Further amend said bill, Page 2, Section 70.621, Line 24, by inserting after said line the following:

**"70.631. 1. Each political subdivision may, by majority vote of its governing body, elect to cover emergency police dispatchers and jailers as policemen members of the system and emergency fire dispatchers and emergency medical service personnel as firemen members of the system. The clerk or secretary of the political subdivision shall certify an election concerning the coverage of emergency police dispatchers and jailers as policemen members of the system and emergency fire dispatchers and emergency medical service personnel as firemen members of the system to the board within ten days after such vote. The date on which the political subdivision's election becomes effective shall be the first day of the calendar month specified by such governing body, the first day of the calendar month next following receipt by the board of the certification of the election, or the effective date of the political subdivision's becoming an employer, whichever is the latest date. Such election shall not be changed after the effective date. If the election is made, the coverage provisions shall be applicable to the past and future employment with the employer by present and future employees.**

**2. If an employer elects to cover emergency police dispatchers and jailers as policemen members of the system and emergency fire dispatchers and emergency medical service personnel as firemen members of the system, the employer contributions shall be correspondingly changed effective the same date as the effective date of the political subdivision's election.**

**3. The limitation on increases in an employer's contributions provided by subsection 6 of section 70.730 shall not apply to any contribution increase resulting from an employer making an election under the provisions of this section.";** and

Further amend said bill, Page 5, Section 86.200, Line 114, by inserting after said line the following:

**"86.207. 1. Except as provided herein, all persons who become policemen or policewomen and all policemen or policewomen who enter or reenter the service of [the] any city not within a county after the first day of October, 1957, become members as a condition of their employment and shall receive no pensions or retirement allowance from any other pension or retirement system supported wholly or in part by the city not within a county or the state of Missouri, nor shall they be required to make contributions under any other pension or retirement system of the city not within a county or the state of Missouri for the same period of service, anything to the contrary notwithstanding. Any employee of a city not within a county who is earning creditable service in a retirement plan established by said city under section 95.540 and subsequently becomes a policeman may elect to remain a member of said retirement plan and shall not be required to become a member of a police retirement system established under section 86.200. However, an employee of a city not within a county who is earning creditable service in a retirement plan established by said city under section 95.540 and who subsequently becomes a policeman may elect to transfer membership and creditable service to the police retirement system created under section 86.200. Such transfers are subject to the conditions and requirements contained in section 105.691 and are also subject to any existing agreements between the said retirement plans, provided however, transfers completed prior to January 1, 2016 shall occur without regard to the vesting requirements of the receiving plan, contained in section 105.691. As part of the transfer process described herein, the respective retirement plans may require the employee to acknowledge and agree as a condition of transfer that any election made under this section is irrevocable, constitutes a waiver of any right to receive retirement and disability benefits except as provided by the police retirement system, and that plan terms may be modified in the future.**

**2. If any member ceases to be in service for more than one year unless the member has attained the age of fifty-five or has twenty years or more of creditable service, or if the member withdraws the member's accumulated contributions or if the member receives benefits under the retirement system or dies, the member thereupon ceases to be a member; except in the case of a member who has served in the Armed Forces of the United States and has subsequently been reinstated as a policeman. A member who has terminated employment as a police officer, has actually retired and is receiving retirement benefits under the system shall be considered a retired member.**

**3. A reserve officer shall not be considered a member of the system for the purpose of determining creditable service, nor shall any contributions be due. A reserve officer shall not be entitled to any benefits from the system other than those awarded when the reserve officer originally retired under section 86.250, nor shall service as a reserve officer prohibit distribution of those benefits.";** and

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

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

Representative Richardson moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Anderson	Andrews	Austin	Bahr
Barnes	Basye	Beard	Bemskoetter	Bery
Black	Bondon	Brattin	Brown 57	Brown 94
Burlison	Chipman	Cierpiot	Conway 104	Cookson
Corlew	Comejo	Crawford	Cross	Curtman
Davis	Dogan	Dohrman	Eggleston	Engler
Entlicher	Fitzpatrick	Fitzwater 144	Fitzwater 49	Flanigan
Franklin	Frederick	Gannon	Gosen	Haahr
Hansen	Hinson	Hoskins	Hough	Houghton
Hubrecht	Hurst	Johnson	Justus	Keeney
Kelley	Kidd	King	Koenig	Kolkmeier
Koman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Mathews	McCaherty
McDaniel	McGaugh	Messenger	Miller	Moon
Morris	Muntzel	Neely	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Remole	Rhoads	Richardson	Roden	Roeber
Rone	Ross	Rowden	Ruth	Shaul
Shull	Shumake	Solon	Sommer	Spencer
Swan	Taylor	Vescovo	Walker	White
Wiemann	Wilson			

NOES: 043

Anders	Arthur	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellington	Gardner
Green	Harris	Hubbard	Hummel	Kendrick
Kirkton	Kratky	LaFaver	Lavender	Marshall
May	McCann Beatty	McCreery	McDonald	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Runions
Smith	Walton Gray	Webber		

PRESENT: 000

ABSENT WITH LEAVE: 017

Adams	Alferman	Colona	Dugger	English
Fraker	Haefner	Hicks	Higdon	Hill
Jones	Pietzman	Reiboldt	Rowland	Wood
Zerr	Mr. Speaker			

VACANCIES: 001

On motion of Representative Leara, **HCS SB 283, as amended**, was adopted.

On motion of Representative Leara, **HCS SB 283, as amended**, was read the third time and passed by the following vote:

AYES: 122

Alfman	Allen	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Bames	Basye
Beard	Bery	Black	Bondon	Brattin
Brown 57	Brown 94	Burlison	Burns	Chipman
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Corlew	Comejo	Crawford	Cross	Curtman
Davis	Dogan	Dohrman	Dugger	Eggleston
Engler	English	Entlicher	Fitzwater 144	Fitzwater 49
Flanigan	Fraker	Franklin	Frederick	Gannon
Gosen	Haahr	Hansen	Harris	Hill
Hinson	Hoskins	Hough	Houghton	Hubbard
Hubrecht	Hummel	Hurst	Johnson	Justus
Keeney	Kelley	Kidd	King	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Lavender	Leara	Lichtenegger
Love	Lynch	Mathews	May	McCaherty
McCann Beatty	McDaniel	McGaugh	Messenger	Miller
Mims	Morris	Muntzel	Neely	Parkinson
Phillips	Pierson	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Rizzo	Roden
Roeber	Rone	Ross	Rowden	Rowland
Runions	Ruth	Shaul	Shull	Shumake
Solon	Sommer	Spencer	Swan	Taylor
Vescovo	Walker	White	Wiemann	Wilson
Zerr	Mr. Speaker			

NOES: 029

Butler	Carpenter	Curtis	Dunn	Ellington
Gardner	Green	Kendrick	Kirkton	Marshall
McCreery	McDonald	McManus	McNeil	Meredith
Mitten	Montecillo	Moon	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pogue	Smith	Walton Gray	Webber	

PRESENT: 000

ABSENT WITH LEAVE: 011

Adams	Bernskoetter	Fitzpatrick	Haefner	Hicks
Higdon	Jones	Pfautsch	Pietzman	Richardson
Wood				

VACANCIES: 001

Representative Keeney declared the bill passed.

**HCS SCS SB 473**, relating to school directors for urban school districts, was taken up by Representative Rowland.

Representative Conway (10) offered **House Amendment No. 1.**

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 473, Page 3, Section 160.671, Line 50, by deleting the words "**three hundred**" and inserting in lieu thereof the words "**seven hundred and fifty**"; and

Further amend said bill, page, and section, Line 67, by deleting the words "**three hundred**" and inserting in lieu thereof the words "**seven hundred and fifty**"; and

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

On motion of Representative Conway (10), **House Amendment No. 1** was adopted.

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 473, Page 1, In the Title, Lines 5 and 6, by deleting the phrase "school directors for urban school districts" and inserting in lieu thereof the phrase "elementary and secondary education"; and

Further amend said bill, Page 4, Section 160.671, Line 86, by inserting immediately after all of said line the following:

"160.775. 1. Every district shall adopt an antibullying policy by September 1, 2007.

2. "Bullying" means intimidation or harassment that causes a reasonable student to fear for his or her physical safety or property; **substantially interferes with the educational performance, opportunities, or benefits of any student without exception; or substantially disrupts the orderly operation of the school.** Bullying may consist of **but is not limited to** physical actions, including gestures, or oral, cyberbullying, electronic, or written communication, and any threat of retaliation for reporting of such acts. **Bullying is prohibited by students on school property, at any school function, or on a school bus. "Cyberbullying" is bullying as defined in this subsection through the transmission of a communication including, but not limited to, a message, text, sound, or image by means of an electronic device including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager.**

3. Each district's antibullying policy shall be founded on the assumption that all students need a safe learning environment. Policies shall treat **all** students equally and shall not contain specific lists of protected classes of students who are to receive special treatment. Policies may include age-appropriate differences for schools based on the grade levels at the school. Each such policy shall contain a statement of the consequences of bullying.

4. Each district's antibullying policy shall **be included in the student handbook and shall** require, at a minimum, the following components:

(1) **A statement prohibiting bullying, defined no less inclusively than in subsection 2 of this section;**

(2) **A statement requiring** district employees to report any instance of bullying of which the employee has firsthand knowledge[. The district policy shall address training of employees in the requirements of the district policy.], **has reasonable cause to suspect that a student has been subject to bullying, or has received a report of bullying from a student. The policy shall require a district employee who witnesses an incident of bullying or has received reliable information that an incident of bullying has occurred to verbally report the incident to the district's designated individual at the school on the same day the employee witnessed or received the reliable information regarding the incident unless extenuating circumstances prohibit the employee from reporting until the next school day. The policy shall require such a district employee to report an incident of bullying in writing to the district's designated individual at the school within two school days. The policy shall require that the district maintain records of all incidents of bullying and their resolution. The policy shall also contain a description of the format that shall be used for a written report, which shall require, at a minimum, a listing of the offense and the outcome of any investigation;**

(3) A procedure for reporting an act of bullying. The policy shall also include a statement requiring that the district designate an individual at each school in the district to receive verbal reports and written reports of incidents of bullying. Such individual shall be a district employee who is a school principal, school administrator, or school supervisor;

(4) A procedure for prompt investigation of reports of violations and complaints, identifying one or more employees responsible for the investigation including, at a minimum, the following requirements:

(a) Within one school day of a written report of an incident of bullying being received, the school principal, or his or her designee, shall initiate an investigation of the incident;

(b) The school principal may appoint other school staff to assist with the investigation;

(c) The investigation shall be completed within ten school days from the date of the written report;

(5) The range of ways in which a school will respond once an incident of bullying is confirmed;

(6) A statement that prohibits reprisal or retaliation against any person who reports an act of bullying and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation;

(7) A statement of how the policy is to be publicized; and

(8) A process for discussing the district's antibullying policy with students and training school employees and volunteers who have significant contact with students in the requirements of the policy, including at a minimum the following statements:

(a) The school district shall provide information and appropriate training to the school district staff who have significant contact with students regarding the policy;

(b) The school district shall give annual notice of the policy to students, parents or guardians, and staff;

(c) The school district shall provide education and information to students regarding bullying, including information regarding the school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying, including student peer-to-peer initiatives to provide accountability and policy enforcement for those found to have engaged in bullying, reprisal, or retaliation against any person who reports an act of bullying;

(d) The administration of the school district shall instruct its school counselors and school psychologists to educate students who are victims of bullying on techniques for students to overcome bullying's negative effects. Such techniques shall include but not be limited to cultivating the student's self-worth and self-esteem; teaching the student to defend himself or herself assertively and effectively; helping the student develop social skills; and encouraging the student to develop an internal locus of control. The provisions of this paragraph shall not be construed to contradict or limit any other provision of this section; and

(e) The administration of the school district shall implement programs and other initiatives to prevent bullying, to respond to such conduct in a manner that does not stigmatize the victim, and to make resources or referrals available to victims of bullying.

5. Notwithstanding any other provision of law, any school district may subject any student to discipline for cyberbullying. The district shall have jurisdiction to prohibit cyberbullying that originates on a school's campus if the electronic communication was made using the school's technological resources or the electronic communication was made on the school's campus using the student's own personal technological resources. The district shall have jurisdiction to prohibit cyberbullying that originates off the school's campus if:

(1) It was reasonably foreseeable that the electronic communication would reach the school's campus; or

(2) There is a sufficient nexus between the electronic communication and the school which includes, but is not limited to, speech that is directed at a school-specific audience, or the speech was brought onto or accessed on the school campus, even if it was not the student in question who did so.

6. In determining the appropriate disciplinary action for a cyberbullying offense under subsection 5 of this section, the district shall take into consideration the nature of the offense, the age of the student, and the following:

(1) For a first-time or minor cyberbullying offense, the district may mandate that the student attend counseling and education sessions;

(2) For a second or more serious cyberbullying offense, the district may prohibit the student from participating in school activities or events;

(3) For a serious incident of cyberbullying, the school may suspend or expel the student.

7. Each district shall annually review its antibullying policy and revise it as needed. The district's school board shall receive input from school personnel and administrators when reviewing and revising the policy.

8. Each district shall develop a method to keep track of any correspondence between individuals and the district, or any school in the district, regarding an incident of bullying. Such correspondence shall be a closed record under chapter 610.

9. Each district shall annually report to the department of elementary and secondary education the number of confirmed reported bullying incidents in the district at the school level and the district level, and any action taken in response to an incident of bullying, including but not limited to expulsions and suspensions, for each school in the district. No district shall release any confidential information not authorized by state or federal law for public release. The department of elementary and secondary education shall post this information on its internet website within thirty days of receiving it but shall ensure that no personally identifiable information is posted."; and

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

**HCS SCS SB 473, as amended, with House Amendment No. 2, pending,** was laid over.

Speaker Diehl resumed the Chair.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

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

**HCS SS SCS SB 5:** Representatives Curtman, Cornejo, Austin, Pierson and McCann Beatty

Representative Keeney resumed the Chair.

#### **THIRD READING OF SENATE BILLS**

**HCS SCS SB 473, as amended, with House Amendment No. 2, pending,** was again taken up by Representative Rowland.

**House Amendment No. 2** was withdrawn.

Representative Fitzwater (144) offered **House Amendment No. 3.**

#### *House Amendment No. 3*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 473, Page 1, In the title, Lines 5-6, by deleting the words, "school directors for urban school districts" and inserting in lieu thereof the words, "elementary and secondary education"; and

Further amend said bill, Page 6, Section 162.491, Line 18, by inserting after all of said line the following:

"163.045. Notwithstanding the provisions of subsection 2 of section 163.031 to the contrary, in any school year in which a school district's average daily attendance increases from three hundred fifty or less to more than three hundred fifty or decreases from more than three hundred fifty to three hundred fifty or less, such school district shall receive state aid as calculated under section 163.031 based on the school district's

average daily attendance in the school year immediately preceding such increase or decrease. Such school district shall continue to receive state aid based on the school district's immediately preceding average daily attendance in the previous school year until any such increase or decrease in average daily attendance is maintained by the school district for two consecutive school years. If an increase or decrease in average daily attendance is maintained for two consecutive school years by the school district, the school district shall receive state aid as calculated under section 163.031 based on the average daily attendance maintained for the previous two school years."; and

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

On motion of Representative Fitzwater (144), **House Amendment No. 3** was adopted.

On motion of Representative Rowland, **HCS SCS SB 473, as amended**, was adopted.

On motion of Representative Rowland, **HCS SCS SB 473, as amended**, was read the third time and passed by the following vote:

AYES: 144

Allen	Anders	Anderson	Andrews	Arthur
Austin	Bahr	Barnes	Basye	Beard
Bernskoetter	Berry	Black	Bondon	Brattin
Brown 94	Burlison	Bums	Butler	Carpenter
Chipman	Cierpiot	Colona	Conway 10	Conway 104
Cookson	Corlew	Comejo	Crawford	Cross
Curtis	Curtman	Davis	Dogan	Dohman
Dugger	Dunn	Eggleston	Engler	English
Entlicher	Fitzwater 144	Fitzwater 49	Flanigan	Franklin
Frederick	Gannon	Gardner	Gosen	Green
Haahr	Hansen	Harris	Higdon	Hill
Hinson	Hoskins	Hough	Houghton	Hubbard
Hubrecht	Hummel	Hurst	Johnson	Jones
Justus	Keeney	Kelley	Kendrick	Kidd
King	Kirkton	Koenig	Kolkmeier	Kratky
LaFaver	Lair	Lant	Lauer	Lavender
Leara	Lichtenegger	Love	Lynch	Mathews
May	McCann Beatty	McCreery	McDaniel	McDonald
McGaugh	McNeil	Meredith	Messenger	Miller
Mims	Montecillo	Morgan	Morris	Muntzel
Neely	Newman	Nichols	Norr	Otto
Pace	Peters	Pfautsch	Phillips	Pierson
Pietzman	Pike	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Rizzo	Roden
Roeber	Rone	Rowden	Rowland	Runions
Ruth	Shaul	Shull	Shumake	Solon
Sommer	Spencer	Swan	Taylor	Vescovo
Walker	Walton Gray	Webber	White	Wiemann
Wilson	Wood	Zerr	Mr. Speaker	

NOES: 006

Alferman	Ellington	Marshall	Moon	Pogue
Smith				

PRESENT: 000

ABSENT WITH LEAVE: 012

Adams	Brown 57	Fitzpatrick	Fraker	Haefner
Hicks	Korman	McCaherty	McManus	Mitten
Parkinson	Ross			

VACANCIES: 001

Representative Keeney declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 132

Allen	Anderson	Andrews	Arthur	Austin
Bahr	Barnes	Basye	Beard	Bernskoetter
Black	Brown 94	Burlison	Burns	Butler
Carpenter	Chipman	Cierpiot	Conway 10	Conway 104
Cookson	Corlew	Comejo	Crawford	Cross
Curtman	Davis	Dogan	Dohman	Dugger
Dunn	Eggleston	Engler	English	Entlicher
Fitzpatrick	Fitzwater 49	Flanigan	Fraker	Franklin
Frederick	Gannon	Gosen	Haahr	Hansen
Harris	Higdon	Hinson	Hoskins	Houghton
Hubbard	Hubrecht	Hummel	Hurst	Johnson
Jones	Justus	Keeney	Kelley	Kendrick
Kidd	King	Koenig	Kolkmeier	Korman
Kratky	Lair	Lant	Lauer	Lavender
Leara	Lichtenegger	Love	Lynch	Mathews
May	McCann Beatty	McDaniel	McDonald	McGaugh
McManus	McNeil	Meredith	Messenger	Miller
Mims	Montecillo	Morris	Muntzel	Neely
Newman	Nichols	Norr	Otto	Peters
Pautsch	Phillips	Pierson	Pietzman	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Rizzo	Roden	Roeber	Rone
Ross	Rowden	Rowland	Runions	Ruth
Shaul	Shull	Shumake	Solon	Sommer
Spencer	Swan	Taylor	Vescovo	Walker
Webber	White	Wiemann	Wilson	Wood
Zerr	Mr. Speaker			

NOES: 018

Berry	Bondon	Brattin	Colona	Curtis
Ellington	Gardner	Kirkton	LaFaver	Marshall
McCreery	Mitten	Moon	Morgan	Pace
Pogue	Smith	Walton Gray		

PRESENT: 000

ABSENT WITH LEAVE: 012

Adams	Alferman	Anders	Brown 57	Fitzwater 144
Green	Haefner	Hicks	Hill	Hough
McCaherty	Parkinson			

VACANCIES: 001

**HOUSE BILLS WITH SENATE AMENDMENTS**

**SCS HCR 38**, relating to human trafficking, was taken up by Representative Haahr.

On motion of Representative Haahr, **SCS HCR 38** was adopted by the following vote:

AYES: 150

Alferman	Allen	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Bames	Basye
Beard	Bemskoetter	Bery	Black	Bondon
Brattin	Brown 94	Burlison	Burns	Butler
Carpenter	Chipman	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Corlew	Comejo	Crawford
Cross	Curtis	Curtman	Davis	Dogan
Dohrman	Dugger	Dunn	Eggleston	Ellington
Engler	English	Entlicher	Fitzpatrick	Fitzwater 144
Fitzwater 49	Flanigan	Fraker	Franklin	Frederick
Gannon	Gardner	Gosen	Green	Haahr
Hansen	Harris	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hubrecht	Hummel
Hurst	Johnson	Jones	Justus	Keeney
Kelley	Kendrick	Kidd	King	Kirkton
Koenig	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Lavender	Leara
Lichtenegger	Love	Lynch	Marshall	Mathews
May	McCann Beatty	McCreery	McDaniel	McDonald
McGaugh	McNeil	Messenger	Miller	Mims
Mitten	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pietzman	Pike	Pogue	Rehder
Reiboldt	Remole	Rhoads	Richardson	Rizzo
Roden	Roeber	Rone	Ross	Rowden
Rowland	Runions	Ruth	Shaul	Shull
Shumake	Smith	Solon	Sommer	Spencer
Swan	Taylor	Vescovo	Walker	Walton Gray
White	Wiemann	Wilson	Wood	Zerr

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Adams	Brown 57	Haefner	Hicks	Hill
McCaherty	McManus	Meredith	Newman	Redmon
Webber	Mr. Speaker			

VACANCIES: 001

On motion of Representative Haahr, **SCS HCR 38** was truly agreed to and finally passed by the following vote:

AYES: 151

Alferman	Allen	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Bames	Basye
Beard	Bernskoetter	Berry	Black	Bondon
Brattin	Brown 94	Burlison	Burns	Butler
Carpenter	Chipman	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Corlew	Comejo	Crawford
Cross	Curtis	Curtman	Davis	Dogan
Dohrman	Dunn	Eggleston	Ellington	Engler
English	Entlicher	Fitzpatrick	Fitzwater 144	Fitzwater 49
Flanigan	Fraker	Franklin	Frederick	Gannon
Gardner	Gosen	Green	Haahr	Hansen
Harris	Higdon	Hill	Hinson	Hoskins
Hough	Houghton	Hubbard	Hubrecht	Hummel
Hurst	Johnson	Jones	Justus	Keeney
Kelley	Kendrick	Kidd	King	Kirkton
Koenig	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Lavender	Leara
Lichtenegger	Love	Lynch	Marshall	Mathews
McCann Beatty	McCreery	McDaniel	McDonald	McGaugh
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pietzman	Pike	Pogue
Rehder	Reiboldt	Remole	Rhoads	Richardson
Rizzo	Roden	Roeber	Rone	Ross
Rowden	Rowland	Rumions	Ruth	Shaul
Shull	Shumake	Smith	Solon	Sommer
Spencer	Swan	Taylor	Vescovo	Walker
Walton Gray	White	Wiemann	Wilson	Wood
Zerr				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Adams	Brown 57	Dugger	Haefner	Hicks
May	McCaherty	McManus	Redmon	Webber
Mr. Speaker				

VACANCIES: 001

Representative Keeney declared the bill passed.

**SS SCS HB 458, as amended**, relating to school safety, was taken up by Representative Allen.

Representative Allen moved that the House refuse to adopt **SS SCS HB 458, 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.

### PERFECTION OF HOUSE BILLS

**HCS HB 1047**, relating to state debt owed by noncustodial parents, was taken up by Representative Zerr.

Representative Richardson moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Alferman	Allen	Anderson	Andrews	Austin
Barnes	Basye	Beard	Bemskoetter	Berry
Black	Brattin	Brown 57	Brown 94	Burlison
Cierpiot	Cookson	Corlew	Comejo	Crawford
Cross	Curtman	Davis	Dogan	Dohman
Dugger	Eggleston	Engler	English	Entlicher
Fitzpatrick	Fitzwater 144	Fitzwater 49	Flanigan	Fraker
Franklin	Frederick	Gannon	Gosen	Haahr
Hansen	Hoskins	Houghton	Hubrecht	Hurst
Johnson	Justus	Keeney	Kidd	King
Koenig	Kolkmeier	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Mathews
McGaugh	Messenger	Moon	Morris	Muntzel
Neely	Parkinson	Pfautsch	Phillips	Pietzman
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Richardson	Roden	Roeber	Ross
Rowden	Rowland	Ruth	Shaul	Shull
Shumake	Solon	Sommer	Spencer	Swan
Taylor	Vescovo	Walker	White	Wiemann
Wilson	Wood	Zerr		

NOES: 039

Anders	Arthur	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellington	Gardner
Green	Harris	Hubbard	Hummel	Kendrick
Kirkton	Kratky	LaFaver	Lavender	May
McCann Beatty	McCreery	McDonald	McNeil	Meredith
Mims	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Rizzo
Runions	Smith	Walton Gray	Webber	

PRESENT: 000

ABSENT WITH LEAVE: 025

Adams	Bahr	Bondon	Chipman	Colona
Conway 104	Haefner	Hicks	Higdon	Hill
Hinson	Hough	Jones	Kelley	Korman
Marshall	McCaherty	McDaniel	McManus	Miller
Mitten	Pierson	Rhoads	Rone	Mr. Speaker

VACANCIES: 001

On motion of Representative Zerr, **HCS HB 1047** was adopted.

On motion of Representative Zerr, **HCS HB 1047** was ordered perfected and printed.

**HCS HB 479**, relating to agricultural data collection, was taken up by Representative Houghton.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

Allen	Anderson	Andrews	Austin	Bahr
Barnes	Basye	Beard	Bemskoetter	Bery
Black	Bondon	Burlison	Cierpiot	Cookson
Corlew	Cornejo	Crawford	Cross	Curtman
Davis	Dogan	Dohrman	Dugger	Eggleston
Engler	English	Entlicher	Fitzpatrick	Fitzwater 144
Fitzwater 49	Flanigan	Franklin	Frederick	Gannon
Haahr	Hansen	Hinson	Hoskins	Houghton
Hubrecht	Hurst	Johnson	Justus	Keeney
Kidd	King	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	McDaniel	McGaugh	Messenger
Moon	Morris	Muntzel	Neely	Parkinson
Pfautsch	Phillips	Pietzman	Pike	Pogue
Rehder	Reiboldt	Remole	Richardson	Roden
Roeber	Rone	Ross	Rowland	Ruth
Shaul	Shull	Shumake	Solon	Sommer
Spencer	Swan	Taylor	Vescovo	Walker
White	Wiemann	Wilson	Wood	Zerr

NOES: 041

Anders	Arthur	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellington
Gardner	Green	Harris	Hubbard	Hummel
Kendrick	Kirkton	Kratky	Lavender	May
McCann Beatty	McCreery	McDonald	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Runions	Smith	Walton Gray
Webber				

PRESENT: 000

ABSENT WITH LEAVE: 026

Adams	Alfeman	Brattin	Brown 57	Brown 94
Chipman	Conway 104	Fraker	Gosen	Haefner
Hicks	Higdon	Hill	Hough	Jones
Kelley	LaFaver	Marshall	Mathews	McCaherty
McManus	Miller	Redmon	Rhoads	Rowden
Mr. Speaker				

VACANCIES: 001

On motion of Representative Houghton, **HCS HB 479** was adopted.

On motion of Representative Houghton, **HCS HB 479** was ordered perfected and printed.

**HB 612**, relating to a prohibition on certain telecommunications items being possessed in correctional facilities, was taken up by Representative Fitzwater (144).

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

*House Amendment No. 1*

AMEND House Bill No. 612, page, section, line, Page 1, In the Title, Lines 4-5, by deleting the words "a prohibition on certain telecommunications items being possessed in"; and

Further amend said bill, Page 3, Section 221.111, Line 42, by inserting after all of said section and 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 Eggleston, **House Amendment No. 1** was adopted.

On motion of Representative Fitzwater (144), **HB 612, as amended**, was ordered perfected and printed.

**HCS HB 530**, relating to emergency services board of directors, was taken up by Representative Roden.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 530, Page 1, In the Title, Line 3, by deleting the words "board of directors"; and

Further amend said bill and page, Section A, Line 3, by inserting the following after all of said line:

"72.418. 1. Notwithstanding any other provision of law to the contrary, no new city created pursuant to sections 72.400 to 72.423 shall establish a municipal fire department to provide fire protection services, including emergency medical services, if such city formerly consisted of unincorporated areas in the county or municipalities in the county, or both, which are provided fire protection services and emergency medical services by one or more fire protection districts. Such fire protection districts shall continue to provide services to the area comprising the new city and may levy and collect taxes the same as such districts had prior to the creation of such new city.

2. Fire protection districts serving the area included within any annexation by a city having a fire department, including simplified boundary changes, shall continue to provide fire protection services, including emergency medical services to such area.

3. **Notwithstanding any other provision of law to the contrary, beginning January 1, 2016, any fire protection districts serving the area included within any annexation by a city having a fire department, including simplified boundary changes, which annexation is not completed by August 28, 2015, shall continue to levy and collect taxes the same as such districts had prior to the annexation. The annexing city shall not levy or collect any property taxes on the annexed property.**

4. **Notwithstanding any other provision of law to the contrary, for any fire protection districts serving the area included within any annexation by a city having a fire department, including simplified boundary changes, which annexation has been completed by August 28, 2015:**

**(1) Beginning January 1, 2016:**

(a) The annexing city shall pay annually to the fire protection district an amount equal to **eighty percent** of that which the fire protection district would have levied on all taxable property within the annexed area. [Such annexed area shall not be subject to taxation for any purpose thereafter by the fire protection district except for bonded indebtedness by the fire protection district which existed prior to the annexation.] The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be **eighty percent of [a] the sum** equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. **The annexing city shall not levy or collect any property taxes on the annexed property.**

(b) **The annexed area shall be subject to taxation by the fire protection district for twenty percent of the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed area shall be subject to taxation by the fire protection district for bonded indebtedness by the fire protection district which existed prior to the annexation.**

**(2) Beginning January 1, 2017:**

(a) The annexing city shall pay annually to the fire protection district an amount equal to **sixty percent** of that which the fire protection district would have levied on all taxable property within the annexed area. The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be **eighty percent of [a] the sum** equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. **The annexing city shall not levy or collect any property taxes on the annexed property.**

(b) **The annexed area shall be subject to taxation by the fire protection district for forty percent of the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed area shall be subject to taxation by the fire protection district for bonded indebtedness by the fire protection district which existed prior to the annexation.**

**(3) Beginning January 1, 2018:**

(a) The annexing city shall pay annually to the fire protection district an amount equal to **forty percent** of that which the fire protection district would have levied on all taxable property within the annexed

area. The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be eighty percent of [a] the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. The annexing city shall not levy or collect any property taxes on the annexed property.

(b) The annexed area shall be subject to taxation by the fire protection district for sixty percent of the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed area shall be subject to taxation by the fire protection district for bonded indebtedness by the fire protection district which existed prior to the annexation.

**(4) Beginning January 1, 2019:**

(a) The annexing city shall pay annually to the fire protection district an amount equal to twenty percent of that which the fire protection district would have levied on all taxable property within the annexed area. The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be eighty percent of [a] the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. The annexing city shall not levy or collect any property taxes on the annexed property.

(b) The annexed area shall be subject to taxation by the fire protection district for eighty percent of the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed area shall be subject to taxation by the fire protection district for bonded indebtedness by the fire protection district which existed prior to the annexation.

**(5) Beginning January 1, 2020, and thereafter, the annexed area shall be subject to taxation by the fire protection district for all taxes levied, including bonded indebtedness prior to and after annexation. The annexing city shall not levy or collect any property taxes on the annexed property.**

5. Notwithstanding any other provision of law to the contrary, the residents of an area annexed on or after May 26, 1994, may vote in all fire protection district elections and may be elected to the fire protection district board of directors.

[3.] 6. The fire protection district may approve or reject any proposal for the provision of fire protection and emergency medical services by a city."; and

Further amend said bill, Section 321.210, Page 3, Line 9, by inserting the following after all of said section and line:

"321.322. 1. If any property located within the boundaries of a fire protection district shall be included within a city having a population of at least two thousand five hundred but not more than sixty-five thousand which is not wholly within the fire protection district and which maintains a city fire department, then upon the date of actual inclusion of the property within the city, as determined by the annexation process, the city shall within sixty days assume by contract with the fire protection district all responsibility for payment in a lump sum or in installments an amount mutually agreed upon by the fire protection district and the city for the city to cover all obligations of the fire protection district to the area included within the city, and thereupon the fire protection district shall convey to the city the title, free and clear of all liens or encumbrances of any kind or nature, any such tangible real and personal property of the fire protection district as may be agreed upon, which is located within the part of the fire protection district located within the corporate limits of the city with full power in the city to use and dispose of such tangible real and personal property as the city deems best in the public interest, and the fire protection district shall no longer levy and collect any tax upon the property included within the corporate limits of the city; except that, if the city and the fire protection district cannot mutually agree to such an arrangement, then the city

shall assume responsibility for fire protection in the annexed area on or before January first of the third calendar year following the actual inclusion of the property within the city, as determined by the annexation process, and furthermore the fire protection district shall not levy and collect any tax upon that property included within the corporate limits of the city after the date of inclusion of that property:

(1) On or before January first of the second calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(2) On or before January first of the third calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to four-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(3) On or before January first of the fourth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to three-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(4) On or before January first of the fifth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to two-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district; and

(5) On or before January first of the sixth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to one-fifth of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district.

Nothing contained in this section shall prohibit the ability of a city to negotiate contracts with a fire protection district for mutually agreeable services. This section shall also apply to those fire protection districts and cities which have not reached agreement on overlapping boundaries previous to August 28, 1990. Such fire protection districts and cities shall be treated as though inclusion of the annexed area took place on December thirty-first immediately following August 28, 1990.

2. Any property excluded from a fire protection district by reason of subsection 1 of this section shall be subject to the provisions of section 321.330.

3. The provisions of this section shall not apply in any county of the first class having a charter form of government and having a population of over nine hundred thousand inhabitants.

4. The provisions of this section shall not apply where the annexing city or town operates a city fire department, is any city of the third classification with more than six thousand but fewer than seven thousand inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, and is entirely surrounded by a single fire protection district. In such cases, the provision of fire and emergency medical services following annexation shall be governed by subsections 2, **4 and 6** [and 3] of section 72.418."; and

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

Representative Richardson moved the previous question.

Which motion was adopted by the following vote:

AYES: 093

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Beard	Bemskoetter
Berry	Black	Bondon	Brattin	Brown 94
Burlison	Cierpiot	Conway 104	Cookson	Corlew
Comejo	Crawford	Cross	Curtman	Davis
Dogan	Dohrman	Eggleston	English	Entlicher
Fitzpatrick	Fitzwater 49	Fraker	Franklin	Frederick

Gannon	Haahr	Hansen	Hinson	Hoskins
Houghton	Hubrecht	Hurst	Johnson	Justus
Keeney	Kidd	King	Koenig	Kolkmeier
Koman	Lair	Lant	Lauer	Lichtenegger
Love	Lynch	McDaniel	McGaugh	Messenger
Moon	Morris	Neely	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Reiboldt
Remole	Richardson	Roden	Roeber	Rone
Ross	Rowden	Rowland	Ruth	Shaul
Shumake	Solon	Sommer	Spencer	Swan
Taylor	Vescovo	Walker	White	Wiemann
Wilson	Zerr	Mr. Speaker		

NOES: 038

Anders	Arthur	Burns	Butler	Carpenter
Curtis	Dunn	Ellington	Gardner	Green
Harris	Hubbard	Hummel	Kirkton	Kratky
LaFaver	Lavender	May	McCann Beatty	McCreery
McDonald	McNeil	Meredith	Mims	Mitten
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Runions
Smith	Walton Gray	Webber		

PRESENT: 000

ABSENT WITH LEAVE: 031

Adams	Brown 57	Chipman	Colona	Conway 10
Dugger	Engler	Fitzwater 144	Flanigan	Gosen
Haefner	Hicks	Higdon	Hill	Hough
Jones	Kelley	Kendrick	Leara	Marshall
Mathews	McCaherty	McManus	Miller	Montecillo
Muntzel	Pietzman	Rehder	Rhoads	Shull
Wood				

VACANCIES: 001

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

On motion of Representative Roden, **HCS HB 530, as amended**, was adopted.

On motion of Representative Roden, **HCS HB 530, as amended**, was ordered perfected and printed.

Speaker Diehl resumed the Chair.

**HCS HB 180**, relating to penalties for allowing minors to possess intoxicating liquor, was taken up by Representative Cookson.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 180, Page 1, In the Title, Line 3, by deleting the words "penalties for allowing minors to possess intoxicating liquor, with penalty provisions" and inserting in lieu thereof the words "alcohol, with penalty provisions and an emergency clause"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

**"311.057. 1. No person, firm, partnership, or corporation licensed under this chapter; public venue; or any person acting as an employee or agent thereof shall sell, offer to sell, or serve free of charge any form of powdered alcohol.**

**2. For the purposes of this section, "powdered alcohol" shall mean alcohol that is prepared in a powdered, crystalline, or capsule form either for direct use or for reconstitution in a nonalcoholic liquid.";** and

Further amend said bill, Page 2, Section 311.310, Line 36, by inserting after all of said line the following:

**"577.180. 1. A person commits the offense of illegal possession of powdered alcohol if he or she purchases, possesses, offers for sale or use, uses, or sells powdered alcohol or ships any package or container that contains powdered alcohol into this state.**

**2. Any person who violates the provisions of this section shall be guilty of a class C misdemeanor.**

**3. For the purposes of this section, "powdered alcohol" shall mean alcohol that is prepared in a powdered, crystalline, or capsule form either for direct use or for reconstitution in a nonalcoholic liquid.**

**4. The provisions of this section shall not apply to the following:**

**(1) Any hospital that operates primarily for the purpose of scientific research;**

**(2) Any state institution conducting scientific research;**

**(3) Any college or university conducting scientific research; or**

**(4) Any pharmaceutical company or biotechnology company conducting research.**

Section B. Because of the need to protect minors from accidental intoxication and alcohol poisoning, the provisions of sections 311.057 and 577.180 are deemed necessary for the immediate preservation of public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and sections 311.057 and 577.180 shall be in full force and effect upon its passage and approval."; and

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

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

On motion of Representative Cookson, **HCS HB 180, as amended**, was adopted.

On motion of Representative Cookson, **HCS HB 180, as amended**, was ordered perfected and printed.

**HB 1054**, relating to school funding, was taken up by Representative Spencer.

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

*House Amendment No. 1*

AMEND House Bill No. 1054, Page 1, Section 163.410, Line 1, by inserting at the beginning of said line the following "[ "; and

Further amend said page and section, Line 12, by deleting the "brackets" on said line; and

Further amend said page and section, Line 14, by inserting at the end of said line the following "]" ; and

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

**House Amendment No. 1** was withdrawn.

On motion of Representative Spencer, **HB 1054** was ordered perfected and printed.

**HCS HB 879**, relating to o property taxation of short term rental merchandise, was taken up by Representative Korman.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 879, Page 1, Section 137.018, Line 5, by inserting immediately after the word, "**Budget**" the following words, "**, which will subsequently or ultimately sell such merchandise or equipment**"; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 879, Page 1, Section 137.018, Line 11, by inserting immediately after said line the following:

**"137.081. For purposes of assessment under this chapter, any new political subdivision that is created by approval of the voters before July first of any assessment year shall be considered effective for assessment purposes upon certification of such vote. If the new political subdivision is created by approval of the voters on or after July first of the current assessment year, the new political subdivision shall be considered effective for assessment purposes in the following assessment year."**; and

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

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

On motion of Representative Korman, **HCS HB 879, as amended**, was adopted.

On motion of Representative Korman, **HCS HB 879, as amended**, was ordered perfected and printed.

**HCS HB 1044**, relating to an armed offender docket in the circuit court of Jackson County, was taken up by Representative Corlew.

On motion of Representative Corlew, **HCS HB 1044** was adopted.

On motion of Representative Corlew, **HCS HB 1044** was ordered perfected and printed.

### **REFERRAL OF HOUSE RESOLUTIONS**

The following House Resolutions were referred to the Committee indicated:

**HR 2527** - Select Committee on Rules

**HR 2591** - Select Committee on Rules

### **REFERRAL OF HOUSE BILLS**

The following House Bill was referred to the Committee indicated:

**HCS HB 565** - Fiscal Review

### **REFERRAL OF SENATE CONCURRENT RESOLUTION**

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

**SCS SCR 21, 19 & 23** - Government Efficiency

### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**HCS SB 164** - Fiscal Review

**HCS SS SCS SB 174** - Fiscal Review

**HCS SCS SB 322** - Fiscal Review

**SS#2 SB 386** - Emerging Issues

**SB 433** - Government Efficiency

### **COMMITTEE REPORTS**

**Committee on Agriculture Policy**, Chairman Houghton reporting:

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **HCR 47**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(2) be referred to the Select Committee on Agriculture.

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **SCR 10**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(2) be referred to the Select Committee on Agriculture.

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **SCS SCR 30**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(2) be referred to the Select Committee on Agriculture.

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **SCR 31**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(2) be referred to the Select Committee on Agriculture.

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **SB 500**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(2) be referred to the Select Committee on Agriculture.

**Committee on Conservation and Natural Resources**, Chairman Anderson reporting:

Mr. Speaker: Your Committee on Conservation and Natural Resources, to which was referred **HB 763**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(2) be referred to the Select Committee on Agriculture.

*House Committee Amendment No. 1*

AMEND House Bill No. 763, Page 1, Section 252.350, Lines 4-9, by deleting all of said lines and inserting in lieu thereof the following:

"(1) **"Connected not-for-profit corporation"**, any Missouri not-for-profit corporation that has obtained an exemption from paying federal income taxes as provided in section 501(c)(3) of the United States Internal Revenue Code of 1954, as amended, that has or had a major purpose of benefiting the commission or the department of conservation either on the date that the prohibited conduct first occurred or at any time within the five years preceding that date, and that establishes, operates, or maintains one or more mitigation banks or in-lieu fee programs or projects, or sells credits or receives payments for compensatory mitigation, pursuant to any program or law requiring the issuance of a permit by the United States Army Corps of Engineers or pursuant to any instrument approved by the Corps;" and

Further amend said bill, page and section, Lines 11-12, by deleting all of said lines and inserting in lieu thereof the following:

**"providing or receiving anything of value with or without compensation, including but not limited to professional, design, construction, administrative, or clerical services, work product, money, personal or real"**; and

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

Mr. Speaker: Your Committee on Conservation and Natural Resources, to which was referred **SS SCR 25**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(2) be referred to the Select Committee on Agriculture.

*House Committee Amendment No. 1*

AMEND Senate Substitute for Senate Concurrent Resolution No. 25, Page 1, Line 1, by deleting the words "chronic wasting disease" and inserting in lieu thereof the words "the decline in Missouri wildlife"; and

Further amend said resolution and page, Lines 22-23, by deleting the words "chronic wasting disease" and inserting in lieu thereof the words "the effects of a declining wildlife population"; and

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

**Committee on Economic Development and Business Attraction and Retention**, Chairman Rowden reporting:

Mr. Speaker: Your Committee on Economic Development and Business Attraction and Retention, to which was referred **SB 401**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(4) be referred to the Select Committee on Commerce.

**Committee on Elections**, Chairman Entlicher reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HB 1016**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

**Committee on Health Insurance**, Chairman Hansen reporting:

Mr. Speaker: Your Committee on Health Insurance, to which was referred **SS SCS SBs 63 & 111**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(8) be referred to the Select Committee on Insurance.

*House Committee Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 63 & 111, Page 14, Section 195.465, Lines 19 through 30, by deleting all of said lines and inserting in lieu thereof the following:

"3. Neither the sovereign nor the official immunity doctrine shall apply to a person or a department authorized to have private prescription-related medical information under sections 195.450 to 195.468 in instances when such information is disclosed to an unauthorized party. If a person unlawfully and knowingly accesses or discloses, or if a person authorized to have prescription or dispensation monitoring information under sections 195.450 to 195.468 knowingly discloses such information in violation of sections 195.450 to 195.468 or knowingly uses such information in a manner and for a purpose in violation of sections 195.450 to 195.468, the person whose information was disclosed shall have a cause of action to recover liquidated damages in the amount of twenty-five thousand dollars in addition to compensatory economic and noneconomic damages, attorney fees, and court costs. If it is determined by a court of competent jurisdiction that such disclosure was done intentionally and maliciously, the person shall be entitled to punitive damages in addition to any other damages."; and

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

**Committee on Higher Education**, Chairman Cookson reporting:

Mr. Speaker: Your Committee on Higher Education, to which was referred **SB 334**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(5) be referred to the Select Committee on Education.

**Committee on Local Government**, Chairman Hinson reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **SCS SB 190**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

Mr. Speaker: Your Committee on Local Government, to which was referred **SCS SB 326**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1, House Committee Amendment No. 2, and House Committee Amendment No. 3**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

*House Committee Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 326, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof "to political subdivisions."; and

Further amend said bill and page, Section A, Line 2, by inserting the following after all of said line:

"29.230. 1. In every county which does not elect a county auditor, the state auditor shall audit, without cost to the county, at least once during the term for which any county officer is chosen, the accounts of the various county officers supported in whole or in part by public moneys.

2. The state auditor shall audit any political subdivision of the state, including counties having a county auditor, if requested to do so by a petition **submitted by a person who resides or owns real property within the boundaries or area of service of the political subdivision and such petition is submitted to the state auditor within one year from requesting the petition from the state auditor and is signed** by the requisite percent of the qualified voters of the political subdivision. The requisite percent of qualified voters to cause such an audit to be conducted shall be determined as follows:

(1) If the number of qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition is less than one thousand, twenty-five percent of the qualified voters of the political subdivision determined on the basis of the registered voters eligible to vote at the last gubernatorial election held prior to the filing of the petition;

(2) If the number of qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition is one thousand or more but less than five thousand, fifteen percent of the qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition, provided that the number of qualified voters signing such petition is not less than two hundred;

(3) If the number of qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition is five thousand or more but less than fifty thousand, ten percent of the qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition, provided that the number of qualified voters signing such petition is not less than seven hundred fifty;

(4) If the number of qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition is fifty thousand or more, five percent of the qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition, provided that the number of qualified voters signing such petition is not less than five thousand.

3. The political subdivision shall pay the actual cost of audit. The petition that requests an audit of a political subdivision shall state on its face the estimated cost of the audit and that it will be paid by the political subdivision being audited. The estimated cost of the audit shall be provided by the state auditor within sixty days of such request. The costs of the audit may be billed and paid on an interim basis with individual billing periods to be set at the state auditor's discretion. Moneys held by the state on behalf of a political subdivision may be used to offset unpaid billings for audit costs of the political subdivision. All moneys received by the state in payment of the costs of petition audits shall be deposited in the state treasury and credited to the "Petition Audit Revolving Trust

Fund" which is hereby created with the state treasurer as custodian. The general assembly may appropriate additional moneys to the fund as it deems necessary. The state auditor shall administer the fund and approve all disbursements, upon appropriation, from the fund to apply to the costs of performing petition audits. The provisions of section 33.080 to the contrary notwithstanding, money in the fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of any biennium exceeds one million dollars. The amount in the fund which shall lapse is the amount which exceeds one million dollars. No political subdivision shall be audited by petition more than once in any three calendar or fiscal years.

**4. Any person who allegedly signed or has signed the original petition may submit a sworn statement to the state auditor that the person did not sign such petition or that the person wishes to rescind such signature. Such statement shall be required to be made within ten days from submission of the petition to the state auditor. If such statement is timely filed, such signature shall be withdrawn and shall not count in the determination of the number of qualified voters necessary to compel an audit under subsection 2 of this section.";** and

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

*House Committee Amendment No. 2*

AMEND Senate Committee Substitute for Senate Bill No. 326, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof "to political subdivisions."; and

Further amend said bill, Section 50.622, Page 2, Line 28, by inserting the following after all of said section and line:

"72.418. 1. Notwithstanding any other provision of law to the contrary, no new city created pursuant to sections 72.400 to 72.423 shall establish a municipal fire department to provide fire protection services, including emergency medical services, if such city formerly consisted of unincorporated areas in the county or municipalities in the county, or both, which are provided fire protection services and emergency medical services by one or more fire protection districts. Such fire protection districts shall continue to provide services to the area comprising the new city and may levy and collect taxes the same as such districts had prior to the creation of such new city.

2. Fire protection districts serving the area included within any annexation by a city having a fire department, including simplified boundary changes, shall continue to provide fire protection services, including emergency medical services to such area.

**3. Notwithstanding any other provision of law to the contrary, beginning January 1, 2016, any fire protection districts serving the area included within any annexation by a city having a fire department, including simplified boundary changes, which annexation is not completed by August 28, 2015, shall continue to levy and collect taxes the same as such districts had prior to the annexation. The annexing city shall not levy or collect any property taxes on the annexed property.**

**4. Notwithstanding any other provision of law to the contrary, for any fire protection districts serving the area included within any annexation by a city having a fire department, including simplified boundary changes, which annexation has been completed by August 28, 2015:**

**(1) Beginning January 1, 2016:**

**(a)** The annexing city shall pay annually to the fire protection district an amount equal to **eighty percent** of that which the fire protection district would have levied on all taxable property within the annexed area. [Such annexed area shall not be subject to taxation for any purpose thereafter by the fire protection district except for bonded indebtedness by the fire protection district which existed prior to the annexation.] The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be **eighty percent of [a] the** sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. **The annexing city shall not levy or collect any property taxes on the annexed property.**

**(b) The annexed area shall be subject to taxation by the fire protection district for twenty percent of the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided**

by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed area shall be subject to taxation by the fire protection district for bonded indebtedness by the fire protection district which existed prior to the annexation.

**(2) Beginning January 1, 2017:**

(a) The annexing city shall pay annually to the fire protection district an amount equal to sixty percent of that which the fire protection district would have levied on all taxable property within the annexed area. The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be eighty percent of [a] the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. The annexing city shall not levy or collect any property taxes on the annexed property.

(b) The annexed area shall be subject to taxation by the fire protection district for forty percent of the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed area shall be subject to taxation by the fire protection district for bonded indebtedness by the fire protection district which existed prior to the annexation.

**(3) Beginning January 1, 2018:**

(a) The annexing city shall pay annually to the fire protection district an amount equal to forty percent of that which the fire protection district would have levied on all taxable property within the annexed area. The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be eighty percent of [a] the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. The annexing city shall not levy or collect any property taxes on the annexed property.

(b) The annexed area shall be subject to taxation by the fire protection district for sixty percent of the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed area shall be subject to taxation by the fire protection district for bonded indebtedness by the fire protection district which existed prior to the annexation.

**(4) Beginning January 1, 2019:**

(a) The annexing city shall pay annually to the fire protection district an amount equal to twenty percent of that which the fire protection district would have levied on all taxable property within the annexed area. The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be eighty percent of [a] the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. The annexing city shall not levy or collect any property taxes on the annexed property.

(b) The annexed area shall be subject to taxation by the fire protection district for eighty percent of the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed area shall be subject to taxation by the fire protection district for bonded indebtedness by the fire protection district which existed prior to the annexation.

**(5) Beginning January 1, 2020, and thereafter, the annexed area shall be subject to taxation by the fire protection district for all taxes levied, including bonded indebtedness prior to and after annexation. The annexing city shall not levy or collect any property taxes on the annexed property.**

5. Notwithstanding any other provision of law to the contrary, the residents of an area annexed on or after May 26, 1994, may vote in all fire protection district elections and may be elected to the fire protection district board of directors.

[3.] 6. The fire protection district may approve or reject any proposal for the provision of fire protection and emergency medical services by a city.

321.322. 1. If any property located within the boundaries of a fire protection district shall be included within a city having a population of at least two thousand five hundred but not more than sixty-five thousand which is not wholly within the fire protection district and which maintains a city fire department, then upon the date of actual inclusion of the property within the city, as determined by the annexation process, the city shall within sixty days assume by contract with the fire protection district all responsibility for payment in a lump sum or in installments an amount mutually agreed upon by the fire protection district and the city for the city to cover all obligations of the fire protection district to the area included within the city, and thereupon the fire protection district shall convey to the city the title, free and clear of all liens or encumbrances of any kind or nature, any such tangible real and personal property of the fire protection district as may be agreed upon, which is located within the part of the fire protection district located within the corporate limits of the city with full power in the city to use and dispose of such tangible real and personal property as the city deems best in the public interest, and the fire protection district shall no longer levy and collect any tax upon the property included within the corporate limits of the city; except that, if the city and the fire protection district cannot mutually agree to such an arrangement, then the city shall assume responsibility for fire protection in the annexed area on or before January first of the third calendar year following the actual inclusion of the property within the city, as determined by the annexation process, and furthermore the fire protection district shall not levy and collect any tax upon that property included within the corporate limits of the city after the date of inclusion of that property:

(1) On or before January first of the second calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(2) On or before January first of the third calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to four-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(3) On or before January first of the fourth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to three-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(4) On or before January first of the fifth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to two-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district; and

(5) On or before January first of the sixth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to one-fifth of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district.

Nothing contained in this section shall prohibit the ability of a city to negotiate contracts with a fire protection district for mutually agreeable services. This section shall also apply to those fire protection districts and cities which have not reached agreement on overlapping boundaries previous to August 28, 1990. Such fire protection districts and cities shall be treated as though inclusion of the annexed area took place on December thirty-first immediately following August 28, 1990.

2. Any property excluded from a fire protection district by reason of subsection 1 of this section shall be subject to the provisions of section 321.330.

3. The provisions of this section shall not apply in any county of the first class having a charter form of government and having a population of over nine hundred thousand inhabitants.

4. The provisions of this section shall not apply where the annexing city or town operates a city fire department, is any city of the third classification with more than six thousand but fewer than seven thousand inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, and is entirely surrounded by a single fire protection district. In such cases, the provision of fire and emergency medical services following annexation shall be governed by subsections 2, **4 and 6** [and 3] of section 72.418."; and

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

*House Committee Amendment No. 3*

AMEND Senate Committee Substitute for Senate Bill No. 326, Page 1, In the Title, Line 3, by deleting "the authority for counties to decrease their budgets" and inserting in lieu thereof "political subdivisions"; and

Further amend said bill, Section 50.622, Page 2, Line 28, by inserting the following after all of said line:

"67.950. [Any special purpose district formed under the provisions of a statute of this state requiring approval by the voters of the district, and for which no specific procedure is provided to terminate or dissolve such a district, may be dissolved in the following manner:

(1) Upon the filing with the governing body of the district of a petition containing the signatures of eight percent or more of the voters of the district or upon the motion of a majority of the members of the governing body it shall submit the question to the voters in the district using the same procedure and in the same manner so far as practicable as is provided for the submission of the question for forming the district.

(2) The question shall be submitted in substantially the following form:  
Shall the ..... district be dissolved?

(3) If the question receives a majority of the votes cast the district shall be dissolved for all purposes except the payment of outstanding bonded indebtedness, if any.] **1. A petition describing the boundaries of the district sought to be dissolved shall be filed with the clerk of the circuit court of the county wherein the subject district is situate or with the clerk of the circuit court of the county having the largest acreage within the boundaries of the subject district in the event that the subject district embraces lands in more than one county. Such petition, in addition to such boundary description, shall allege that further operation of the subject district is inimicable to the best interests of the inhabitants of the district; that the district should, in the interest of the public welfare and safety, be dissolved; and such other information as may be useful to the court in determining whether the petition should be granted and a decree of dissolution entered. Such petition shall also include a detailed plan for payment of all debt and obligations of the district at the time of dissolution. Such petition shall be accompanied by a cash deposit of fifty dollars as an advancement of the costs of the proceeding, and the petition shall be signed by eight percent or more of the voters of the district. The petition shall be verified by at least one of the signers thereof and shall be served upon the governing board of the district. The district shall be a party, and if the governing board in its discretion determines that such dissolution is not in the public interest, the district shall oppose such petition and pay all cost and expense thereof.**

**2. Upon the filing of the petition, the same shall be presented to the circuit court, and such court shall fix a date for a hearing on such petition. Thereupon, the clerk of the court shall give notice of the filing of the petition in a newspaper of general circulation in the county in which the proceedings are pending, and if the district extends into any other county or counties, such notice shall also be published in a newspaper of general circulation in such other county or counties. The notice shall contain a description of the subject boundary lines of the district and the general purposes of the petition, and shall set forth the date fixed for the hearing on the petition, which shall not be less than seven nor more than twenty-one days after the date of the last publication of the notice and shall be on some regular judicial day of the court wherein the petition is pending. Such notice shall be signed by the clerk of the circuit court and shall be published in three successive issues of a weekly newspaper or in twenty successive issues of a daily newspaper.**

**3. The court, for good cause shown, may continue the case of the hearing thereon from time to time until final disposition thereof.**

**4. Exceptions to the dissolution of a district may be made by any voter or landowner of the district and by the district as herein provided. Such exceptions shall be filed not less than five days prior to the date set for the hearing on the petition. Such exceptions shall specify the grounds upon which the exceptions are**

filed and the court shall take them into consideration in passing upon the petition and shall also consider the evidence in support of the petition and in support of the exceptions made. Unless petitioners prove that all debts and financial obligations of the district can be paid in full upon dissolution, the petition shall be dismissed at the costs of the petitioners.

5. Should the court find that it would not be in the public's best interest to dissolve a district, the petition shall be dismissed at the costs of the petitioners. If, however, the court should find in favor of the petitioners, the court shall enter its interlocutory decree of dissolution. Such decree shall provide for the submission of the question to the voters of the district in substantially the following form:

Shall the ..... District be dissolved?

6. The decree of dissolution shall not become final and conclusive until it shall have been submitted to the voters residing within the boundaries described in such decree and until it shall have been assented to by a majority of the votes cast. The decree shall provide for the submission of the question and shall fix the date thereof. The returns shall be certified by the election authority to the circuit court having jurisdiction in the case, and the court shall thereupon enter its order canvassing the returns and declaring the result of such election.

7. If, upon canvass and declaration, it is found and determined that the question shall have been assented to by a majority of the votes cast on such proposition, then the court shall, in such order declaring the result of the election, enter a further order declaring the decree of dissolution to be final and conclusive. In the event, however, that the court should find that the question has not been assented to by a majority of the votes cast, the court shall enter a further order declaring such decree of dissolution to be void and of no effect. No appeal shall lie from any of the aforesaid orders. In the event that the court declares the decree of dissolution to be final, as provided in this section, the clerk of the circuit court shall file certified copies of such decree of dissolution and of such final order with the secretary of the state of the State of Missouri, with the recorder of deeds of the county or counties in which the district is situate, and with the clerk of the county commission of the county or counties in which the district is situate.

8. Notwithstanding anything in this section to the contrary, no district shall be dissolved until all of its debts shall have been paid, and the court, in its decree of dissolution, shall provide for the disposition of the remaining property of the district.

204.475. 1. In any common sewer district organized under sections 204.250 to 204.472, territory included in the district that is not being served by the district may be detached from the district provided that there are no outstanding general obligation or special obligation bonds and no contractual obligations of greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets, or obligations for the purchase of water. If any such bonds or debt is outstanding, and the written consent of the holders of such bonds or the creditors to such debt is obtained, then such territory may be detached in spite of the existence of such bonds or debt, except such consent shall not be required for special obligation bonds if the district has no water or sewer lines or other facilities located within any of the territory detached. Detachment may be made by the filing of a petition with the circuit court in which the district was incorporated. The petition shall contain a description of the tract to be detached and a statement that the detachment is in the best interest of the district or the inhabitants and property owners of the territory to be detached, together with the facts supporting such allegation. The petition may be submitted by the district acting through its board of directors, in which case the petition shall be signed by a majority of the board of directors of the district. The petition may also be submitted by voters residing in or by landowners owning land in the territory sought to be detached. If there are more than ten voters and landowners in such territory, the petition shall be signed by five or more voters or landowners within the territory; if there are less than ten voters and landowners within such territory, the petition shall be signed by fifty percent or more of the voters and landowners within the territory. In the event there are no voters living within such territory proposed to be detached, then the petition may be submitted by owners of more than fifty percent of the land in the territory proposed to be detached, in which case said petition shall be signed by the owners submitting the petition. In the event the petition is not submitted by the district acting through its board of directors, the petitioner shall name the district as a defendant and serve a copy of the petition upon the district by certified or registered mail with a return receipt requested at least thirty-five days before the date of the hearing of the petition.

2. Such petition shall be filed in the circuit court having jurisdiction and the court shall set a date for hearing on the proposed detachment and the clerk of the circuit court shall give notice of the filing of the petition and the hearing to the district by certified or registered mail with a return receipt requested if the

district is not the petitioner, and in a newspaper of general circulation in the county in which the proceedings are pending and in a newspaper of general circulation in the territory proposed to be detached. Such notice shall be published in three consecutive issues of a weekly newspaper, or in lieu thereof, in twenty consecutive issues of a daily newspaper. The last insertion of the notice shall be made not less than seven nor more than twenty-one days before the hearing date. Such notice shall be substantially as follows:

**IN THE CIRCUIT COURT OF .....COUNTY, MISSOURI  
NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT FROM COMMON  
SEWER DISTRICT ..... OF ..... COUNTY, MISSOURI.**

To all voters and landowners of land within the boundaries of the above-described district:

You are hereby notified:

1. That a petition has been filed in this court for the detachment of the following tracts of land from the above-named common sewer district, as provided by law: (Describe tracts of land).

2. That a hearing on said petition will be held before this court in .... on the .... day of ....., 20 .., at ....., ....m.

3. Exceptions or objections to the detachment of said tracts from said common sewer district may be made by the district or any voter or landowner of land within the district from which territory is sought to be detached, provided such exceptions or objections are in writing, specify the grounds on which they are made, and are filed with the court not later than five days prior to the date of the hearing of the petition.

4. The names and addresses of the attorneys for the petitioner are:

.....  
Clerk of the Circuit Court of  
..... County, Missouri

3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

4. Exceptions or objections to the detachment of such territory may be made by any voter or landowner within the boundaries of the district, including the territory to be detached. In the event the petition is not submitted by the district acting through its board of directors, the district may file exceptions or objections. Exceptions or objections shall be in writing, shall specify the grounds upon which they are made, and shall be filed not later than five days before the date set for hearing the petition. In considering the petition for detachment, the court shall take into consideration the evidence in support of and opposition to the petition, including such exceptions and objections. If the court finds that the detachment will be in the best interest of the district and the inhabitants and landowners of the area to be detached will not be adversely affected or if the court finds that the detachment will be in the best interest of the inhabitants and landowners of the territory to be detached and will not adversely affect the remainder of the district, it shall approve the detachment and grant the petition.

5. If the court approves the detachment, it shall make its order detaching the territory described in the petition from the remainder of the district, or in the event it shall find that only a portion of said territory should be detached, the court shall order such portion detached from the district. The court shall also make any changes in subdistrict boundary lines it deems necessary to meet the requirements of sections 204.250 to 204.472. Any subdistrict line changes shall not become effective until the next annual election of a member of the board of directors.

6. A certified copy of the court's order shall be filed in the office of the recorder of deeds and in the office of the county clerk in each county in which any of the territory of the district prior to detachment is located, and in the office of the secretary of state. Costs of the proceeding shall be borne by the petitioner or petitioners.

204.641. 1. In any reorganized common sewer district organized under sections 204.600 to 204.640, territory included in the district that is not being served by the district may be detached from the district provided that there are no outstanding general obligation or special obligation bonds and no contractual obligations of greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets, or obligations for the purchase of water. If any such bonds or debt is outstanding, and the written consent of the holders of such bonds or the creditors to such debt is obtained, then such territory may be detached in spite of the existence of such bonds or debt, except such consent shall not be required for special obligation bonds if the district has no water or sewer lines or other facilities located within any of the territory detached. Detachment may be made by the filing of a petition with the circuit court in which the district was

incorporated. The petition shall contain a description of the tract to be detached and a statement that the detachment is in the best interest of the district or the inhabitants and property owners of the territory to be detached, together with the facts supporting such allegation. The petition may be submitted by the district acting through its board of directors, in which case the petition shall be signed by a majority of the board of directors of the district. The petition may also be submitted by voters residing in or by landowners owning land in the territory sought to be detached. If there are more than ten voters and landowners in such territory, the petition shall be signed by five or more voters or landowners within the territory; if there are less than ten voters and landowners within such territory, the petition shall be signed by fifty percent or more of the voters and landowners within the territory. In the event there are no voters living within such territory proposed to be detached, then the petition may be submitted by owners of more than fifty percent of the land in the territory proposed to be detached, in which case said petition shall be signed by the owners submitting the petition. In the event the petition is not submitted by the district acting through its board of directors, the petitioner shall name the district as a defendant and serve a copy of the petition upon the district by certified or registered mail with a return receipt requested at least thirty-five days before the date of the hearing of the petition.

2. Such petition shall be filed in the circuit court having jurisdiction and the court shall set a date for hearing on the proposed detachment and the clerk of the circuit court shall give notice of the filing of the petition and the hearing to the district by certified or registered mail with a return receipt requested if the district is not the petitioner, and in a newspaper of general circulation in the county in which the proceedings are pending and in a newspaper of general circulation in the territory proposed to be detached. Such notice shall be published in three consecutive issues of a weekly newspaper, or in lieu thereof, in twenty consecutive issues of a daily newspaper. The last insertion of the notice shall be made not less than seven nor more than twenty-one days before the hearing date. Such notice shall be substantially as follows:

IN THE CIRCUIT COURT OF .....COUNTY, MISSOURI

NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT FROM REORGANIZED COMMON SEWER DISTRICT ..... OF ..... COUNTY, MISSOURI

To all voters and landowners of land within the boundaries of the above-described district:

You are hereby notified:

1. That a petition has been filed in this court for the detachment of the following tracts of land from the above-named reorganized common sewer district, as provided by law: (Describe tracts of land).

2. That a hearing on said petition will be held before this court in .... on the .... day of ....., 20 ..., at ....., ....m.

3. Exceptions or objections to the detachment of said tracts from said reorganized common sewer district may be made by the district or any voter or landowner of land within the district from which territory is sought to be detached, provided such exceptions or objections are in writing, specify the grounds on which they are made, and are filed with the court not later than five days prior to the date of the hearing of the petition.

4. The names and addresses of the attorneys for the petitioner are:

.....  
Clerk of the Circuit Court of  
..... County, Missouri

3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

4. Exceptions or objections to the detachment of such territory may be made by any voter or landowner within the boundaries of the district, including the territory to be detached. In the event the petition is not submitted by the district acting through its board of directors, the district may file exceptions or objections. Exceptions or objections shall be in writing, shall specify the grounds upon which they are made, and shall be filed not later than five days before the date set for hearing the petition. In considering the petition for detachment, the court shall take into consideration the evidence in support of and opposition to the petition, including such exceptions and objections. If the court finds that the detachment will be in the best interest of the district and the inhabitants and landowners of the area to be detached will not be adversely affected or if the court finds that the detachment will be in the best interest of the inhabitants and landowners of the territory to be detached and will not adversely affect the remainder of the district, it shall approve the detachment and grant the petition.

5. If the court approves the detachment, it shall make its order detaching the territory described in the petition from the remainder of the district, or in the event it shall find that only a portion of said territory

should be detached, the court shall order such portion detached from the district. The court shall also make any changes in subdistrict boundary lines it deems necessary to meet the requirements of sections 204.600 to 204.640. Any subdistrict line changes shall not become effective until the next annual election of a member of the board of directors.

6. A certified copy of the court's order shall be filed in the office of the recorder of deeds and in the office of the county clerk in each county in which any of the territory of the district prior to detachment is located, and in the office of the secretary of state. Costs of the proceeding shall be borne by the petitioner or petitioners.

249.495. 1. In any sewer district organized under sections 249.430 to 249.663, territory included in the district that is not being served by the district may be detached from the district provided that there are no outstanding general obligation or special obligation bonds and no contractual obligations of greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets, or obligations for the purchase of water. If any such bonds or debt is outstanding, and the written consent of the holders of such bonds or the creditors to such debt is obtained, then such territory may be detached in spite of the existence of such bonds or debt, except such consent shall not be required for special obligation bonds if the district has no water or sewer lines or other facilities located within any of the territory detached. Detachment may be made by the filing of a petition with the circuit court in which the district was incorporated. The petition shall contain a description of the tract to be detached and a statement that the detachment is in the best interest of the district or the inhabitants and property owners of the territory to be detached, together with the facts supporting such allegation. The petition may be submitted by the district acting through its board of directors, in which case the petition shall be signed by a majority of the board of directors of the district. The petition may also be submitted by voters residing in or by landowners owning land in the territory sought to be detached. If there are more than ten voters and landowners in such territory, the petition shall be signed by five or more voters or landowners within the territory; if there are less than ten voters and landowners within such territory, the petition shall be signed by fifty percent or more of the voters and landowners within the territory. In the event there are no voters living within such territory proposed to be detached, then the petition may be submitted by owners of more than fifty percent of the land in the territory proposed to be detached, in which case said petition shall be signed by the owners submitting the petition. In the event the petition is not submitted by the district acting through its board of directors, the petitioner shall name the district as a defendant and serve a copy of the petition upon the district by certified or registered mail with a return receipt requested at least thirty-five days before the date of the hearing of the petition.

2. Such petition shall be filed in the circuit court having jurisdiction and the court shall set a date for hearing on the proposed detachment and the clerk of the circuit court shall give notice of the filing of the petition and the hearing to the district by certified or registered mail with a return receipt requested if the district is not the petitioner, and in a newspaper of general circulation in the county in which the proceedings are pending and in a newspaper of general circulation in the territory proposed to be detached. Such notice shall be published in three consecutive issues of a weekly newspaper, or in lieu thereof, in twenty consecutive issues of a daily newspaper. The last insertion of the notice shall be made not less than seven nor more than twenty-one days before the hearing date. Such notice shall be substantially as follows:

IN THE CIRCUIT COURT OF .....COUNTY, MISSOURI  
NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT FROM SEWER DISTRICT ..... OF ..... COUNTY, MISSOURI.

To all voters and landowners of land within the boundaries of the above-described district:

You are hereby notified:

1. That a petition has been filed in this court for the detachment of the following tracts of land from the above-named sewer district, as provided by law: (Describe tracts of land).

2. That a hearing on said petition will be held before this court in .... on the .... day of ....., 20 .., at ....., ....m.

3. Exceptions or objections to the detachment of said tracts from said sewer district may be made by the district or any voter or landowner of land within the district from which territory is sought to be detached, provided such exceptions or objections are in writing, specify the grounds on which they are made, and are filed with the court not later than five days prior to the date of the hearing of the petition.

4. The names and addresses of the attorneys for the petitioner are:

.....  
Clerk of the Circuit Court of  
..... County, Missouri

3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

4. Exceptions or objections to the detachment of such territory may be made by any voter or landowner within the boundaries of the district, including the territory to be detached. In the event the petition is not submitted by the district acting through its board of directors, the district may file exceptions or objections. Exceptions or objections shall be in writing, shall specify the grounds upon which they are made, and shall be filed not later than five days before the date set for hearing the petition. In considering the petition for detachment, the court shall take into consideration the evidence in support of and opposition to the petition, including such exceptions and objections. If the court finds that the detachment will be in the best interest of the district and the inhabitants and landowners of the area to be detached will not be adversely affected or if the court finds that the detachment will be in the best interest of the inhabitants and landowners of the territory to be detached and will not adversely affect the remainder of the district, it shall approve the detachment and grant the petition.

5. If the court approves the detachment, it shall make its order detaching the territory described in the petition from the remainder of the district, or in the event it shall find that only a portion of said territory should be detached, the court shall order such portion detached from the district. The court shall also make any changes in subdistrict boundary lines it deems necessary to meet the requirements of sections 249.430 to 249.663. Any subdistrict line changes shall not become effective until the next annual election of a member of the board of directors.

6. A certified copy of the court's order shall be filed in the office of the recorder of deeds and in the office of the county clerk in each county in which any of the territory of the district prior to detachment is located, and in the office of the secretary of state. Costs of the proceeding shall be borne by the petitioner or petitioners.

249.809. 1. In any sewer district organized under sections 249.761 to 249.810, territory included in the district that is not being served by the district may be detached from the district provided that there are no outstanding general obligation or special obligation bonds and no contractual obligations of greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets, or obligations for the purchase of water. If any such bonds or debt is outstanding, and the written consent of the holders of such bonds or the creditors to such debt is obtained, then such territory may be detached in spite of the existence of such bonds or debt, except such consent shall not be required for special obligation bonds if the district has no water or sewer lines or other facilities located within any of the territory detached. Detachment may be made by the filing of a petition with the circuit court in which the district was incorporated. The petition shall contain a description of the tract to be detached and a statement that the detachment is in the best interest of the district or the inhabitants and property owners of the territory to be detached, together with the facts supporting such allegation. The petition may be submitted by the district acting through its board of directors, in which case the petition shall be signed by a majority of the board of directors of the district. The petition may also be submitted by voters residing in or by landowners owning land in the territory sought to be detached. If there are more than ten voters and landowners in such territory, the petition shall be signed by five or more voters or landowners within the territory; if there are less than ten voters and landowners within such territory, the petition shall be signed by fifty percent or more of the voters and landowners within the territory. In the event there are no voters living within such territory proposed to be detached, then the petition may be submitted by owners of more than fifty percent of the land in the territory proposed to be detached, in which case said petition shall be signed by the owners submitting the petition. In the event the petition is not submitted by the district acting through its board of directors, the petitioner shall name the district as a defendant and serve a copy of the petition upon the district by certified or registered mail with a return receipt requested at least thirty-five days before the date of the hearing of the petition.

2. Such petition shall be filed in the circuit court having jurisdiction and the court shall set a date for hearing on the proposed detachment and the clerk of the circuit court shall give notice of the filing of the petition and the hearing to the district by certified or registered mail with a return receipt requested if the district is not the petitioner, and in a newspaper of general circulation in the county in which the proceedings are pending and in a newspaper of general circulation in the territory proposed to be detached. Such notice

shall be published in three consecutive issues of a weekly newspaper, or in lieu thereof, in twenty consecutive issues of a daily newspaper. The last insertion of the notice shall be made not less than seven nor more than twenty-one days before the hearing date. Such notice shall be substantially as follows:

**IN THE CIRCUIT COURT OF .....COUNTY, MISSOURI  
NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT FROM SEWER  
DISTRICT ..... OF ..... COUNTY, MISSOURI.**

To all voters and landowners of land within the boundaries of the above-described district:

You are hereby notified:

1. That a petition has been filed in this court for the detachment of the following tracts of land from the above-named sewer district, as provided by law: (Describe tracts of land).

2. That a hearing on said petition will be held before this court in .... on the .... day of ....., 20 .., at ....., ....m.

3. Exceptions or objections to the detachment of said tracts from said sewer district may be made by the district or any voter or landowner of land within the district from which territory is sought to be detached, provided such exceptions or objections are in writing, specify the grounds on which they are made, and are filed with the court not later than five days prior to the date of the hearing of the petition.

4. The names and addresses of the attorneys for the petitioner are:

.....  
Clerk of the Circuit Court of  
..... County, Missouri

3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

4. Exceptions or objections to the detachment of such territory may be made by any voter or landowner within the boundaries of the district, including the territory to be detached. In the event the petition is not submitted by the district acting through its board of directors, the district may file exceptions or objections. Exceptions or objections shall be in writing, shall specify the grounds upon which they are made, and shall be filed not later than five days before the date set for hearing the petition. In considering the petition for detachment, the court shall take into consideration the evidence in support of and opposition to the petition, including such exceptions and objections. If the court finds that the detachment will be in the best interest of the district and the inhabitants and landowners of the area to be detached will not be adversely affected or if the court finds that the detachment will be in the best interest of the inhabitants and landowners of the territory to be detached and will not adversely affect the remainder of the district, it shall approve the detachment and grant the petition.

5. If the court approves the detachment, it shall make its order detaching the territory described in the petition from the remainder of the district, or in the event it shall find that only a portion of said territory should be detached, the court shall order such portion detached from the district. The court shall also make any changes in subdistrict boundary lines it deems necessary to meet the requirements of sections 249.761 to 249.810. Any subdistrict line changes shall not become effective until the next annual election of a member of the board of directors.

6. A certified copy of the court's order shall be filed in the office of the recorder of deeds and in the office of the county clerk in each county in which any of the territory of the district prior to detachment is located, and in the office of the secretary of state. Costs of the proceeding shall be borne by the petitioner or petitioners.

249.1120. 1. In any consolidated sewer district organized under sections 249.1100 to 249.1118, territory included in the district that is not being served by the district may be detached from the district provided that there are no outstanding general obligation or special obligation bonds and no contractual obligations of greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets, or obligations for the purchase of water. If any such bonds or debt is outstanding, and the written consent of the holders of such bonds or the creditors to such debt is obtained, then such territory may be detached in spite of the existence of such bonds or debt, except such consent shall not be required for special obligation bonds if the district has no water or sewer lines or other facilities located within any of the territory detached. Detachment may be made by the filing of a petition with the circuit court in which the district was incorporated. The petition shall contain a description of the tract to be detached and a statement that the detachment is in the best interest of the district or the inhabitants and property owners of the territory to be detached, together with the facts supporting such allegation. The petition may be submitted by the district

acting through its board of directors, in which case the petition shall be signed by a majority of the board of directors of the district. The petition may also be submitted by voters residing in or by landowners owning land in the territory sought to be detached. If there are more than ten voters and landowners in such territory, the petition shall be signed by five or more voters or landowners within the territory; if there are less than ten voters and landowners within such territory, the petition shall be signed by fifty percent or more of the voters and landowners within the territory. In the event there are no voters living within such territory proposed to be detached, then the petition may be submitted by owners of more than fifty percent of the land in the territory proposed to be detached, in which case said petition shall be signed by the owners submitting the petition. In the event the petition is not submitted by the district acting through its board of directors, the petitioner shall name the district as a defendant and serve a copy of the petition upon the district by certified or registered mail with a return receipt requested at least thirty-five days before the date of the hearing of the petition.

2. Such petition shall be filed in the circuit court having jurisdiction and the court shall set a date for hearing on the proposed detachment and the clerk of the circuit court shall give notice of the filing of the petition and the hearing to the district by certified or registered mail with a return receipt requested if the district is not the petitioner, and in a newspaper of general circulation in the county in which the proceedings are pending and in a newspaper of general circulation in the territory proposed to be detached. Such notice shall be published in three consecutive issues of a weekly newspaper, or in lieu thereof, in twenty consecutive issues of a daily newspaper. The last insertion of the notice shall be made not less than seven nor more than twenty-one days before the hearing date. Such notice shall be substantially as follows:

IN THE CIRCUIT COURT OF .....COUNTY, MISSOURI  
NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT FROM  
CONSOLIDATED SEWER DISTRICT ..... OF ..... COUNTY, MISSOURI.

To all voters and landowners of land within the boundaries of the above-described district:

You are hereby notified:

1. That a petition has been filed in this court for the detachment of the following tracts of land from the above-named consolidated sewer district, as provided by law: (Describe tracts of land).

2. That a hearing on said petition will be held before this court in .... on the .... day of ....., 20 .., at ....., ....m.

3. Exceptions or objections to the detachment of said tracts from said consolidated sewer district may be made by the district or any voter or landowner of land within the district from which territory is sought to be detached, provided such exceptions or objections are in writing, specify the grounds on which they are made, and are filed with the court not later than five days prior to the date of the hearing of the petition.

4. The names and addresses of the attorneys for the petitioner are:

.....  
Clerk of the Circuit Court of  
..... County, Missouri

3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

4. Exceptions or objections to the detachment of such territory may be made by any voter or landowner within the boundaries of the district, including the territory to be detached. In the event the petition is not submitted by the district acting through its board of directors, the district may file exceptions or objections. Exceptions or objections shall be in writing, shall specify the grounds upon which they are made, and shall be filed not later than five days before the date set for hearing the petition. In considering the petition for detachment, the court shall take into consideration the evidence in support of and opposition to the petition, including such exceptions and objections. If the court finds that the detachment will be in the best interest of the district and the inhabitants and landowners of the area to be detached will not be adversely affected or if the court finds that the detachment will be in the best interest of the inhabitants and landowners of the territory to be detached and will not adversely affect the remainder of the district, it shall approve the detachment and grant the petition.

5. If the court approves the detachment, it shall make its order detaching the territory described in the petition from the remainder of the district, or in the event it shall find that only a portion of said territory should be detached, the court shall order such portion detached from the district. The court shall also make any changes in subdistrict boundary lines it deems necessary to meet the requirements of sections 249.1100 to

249.1118. Any subdistrict line changes shall not become effective until the next annual election of a member of the board of directors.

6. A certified copy of the court's order shall be filed in the office of the recorder of deeds and in the office of the county clerk in each county in which any of the territory of the district prior to detachment is located, and in the office of the secretary of state. Costs of the proceeding shall be borne by the petitioner or petitioners."; and

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

Mr. Speaker: Your Committee on Local Government, to which was referred **SCS SB 539**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

*House Committee Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 539, Page 1, In the Title, Lines 2-3, by deleting "the authority of county officers to provide passport services" and inserting in lieu thereof "political subdivisions"; and

Further amend said bill and page, Section 49.130, Line 6, by inserting the following after all of said section and line:

"72.418. 1. Notwithstanding any other provision of law to the contrary, no new city created pursuant to sections 72.400 to 72.423 shall establish a municipal fire department to provide fire protection services, including emergency medical services, if such city formerly consisted of unincorporated areas in the county or municipalities in the county, or both, which are provided fire protection services and emergency medical services by one or more fire protection districts. Such fire protection districts shall continue to provide services to the area comprising the new city and may levy and collect taxes the same as such districts had prior to the creation of such new city.

2. Fire protection districts serving the area included within any annexation by a city having a fire department, including simplified boundary changes, shall continue to provide fire protection services, including emergency medical services to such area.

3. **Notwithstanding any other provision of law to the contrary, beginning January 1, 2016, any fire protection districts serving the area included within any annexation by a city having a fire department, including simplified boundary changes, which annexation is not completed by August 28, 2015, shall continue to levy and collect taxes the same as such districts had prior to the annexation. The annexing city shall not levy or collect any property taxes on the annexed property.**

4. **Notwithstanding any other provision of law to the contrary, for any fire protection districts serving the area included within any annexation by a city having a fire department, including simplified boundary changes, which annexation has been completed by August 28, 2015:**

**(1) Beginning January 1, 2016:**

**(a)** The annexing city shall pay annually to the fire protection district an amount equal to **eighty percent** of that which the fire protection district would have levied on all taxable property within the annexed area. [Such annexed area shall not be subject to taxation for any purpose thereafter by the fire protection district except for bonded indebtedness by the fire protection district which existed prior to the annexation.] The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be **eighty percent of [a] the** sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. **The annexing city shall not levy or collect any property taxes on the annexed property.**

**(b)** **The annexed area shall be subject to taxation by the fire protection district for twenty percent of the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include**

any tax on bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed area shall be subject to taxation by the fire protection district for bonded indebtedness by the fire protection district which existed prior to the annexation.

**(2) Beginning January 1, 2017:**

(a) The annexing city shall pay annually to the fire protection district an amount equal to sixty percent of that which the fire protection district would have levied on all taxable property within the annexed area. The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be eighty percent of [a] the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. The annexing city shall not levy or collect any property taxes on the annexed property.

(b) The annexed area shall be subject to taxation by the fire protection district for forty percent of the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed area shall be subject to taxation by the fire protection district for bonded indebtedness by the fire protection district which existed prior to the annexation.

**(3) Beginning January 1, 2018:**

(a) The annexing city shall pay annually to the fire protection district an amount equal to forty percent of that which the fire protection district would have levied on all taxable property within the annexed area. The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be eighty percent of [a] the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. The annexing city shall not levy or collect any property taxes on the annexed property.

(b) The annexed area shall be subject to taxation by the fire protection district for sixty percent of the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed area shall be subject to taxation by the fire protection district for bonded indebtedness by the fire protection district which existed prior to the annexation.

**(4) Beginning January 1, 2019:**

(a) The annexing city shall pay annually to the fire protection district an amount equal to twenty percent of that which the fire protection district would have levied on all taxable property within the annexed area. The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be eighty percent of [a] the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. The annexing city shall not levy or collect any property taxes on the annexed property.

(b) The annexed area shall be subject to taxation by the fire protection district for eighty percent of the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed area shall be subject to taxation by the fire protection district for bonded indebtedness by the fire protection district which existed prior to the annexation.

**(5) Beginning January 1, 2020, and thereafter, the annexed area shall be subject to taxation by the fire protection district for all taxes levied, including bonded indebtedness prior to and after annexation. The annexing city shall not levy or collect any property taxes on the annexed property.**

5. Notwithstanding any other provision of law to the contrary, the residents of an area annexed on or after May 26, 1994, may vote in all fire protection district elections and may be elected to the fire protection district board of directors.

[3.] 6. The fire protection district may approve or reject any proposal for the provision of fire protection and emergency medical services by a city.

321.322. 1. If any property located within the boundaries of a fire protection district shall be included within a city having a population of at least two thousand five hundred but not more than sixty-five thousand which is not wholly within the fire protection district and which maintains a city fire department, then upon the date of actual inclusion of the property within the city, as determined by the annexation process, the city shall within sixty days assume by contract with the fire protection district all responsibility for payment in a lump sum or in installments an amount mutually agreed upon by the fire protection district and the city for the city to cover all obligations of the fire protection district to the area included within the city, and thereupon the fire protection district shall convey to the city the title, free and clear of all liens or encumbrances of any kind or nature, any such tangible real and personal property of the fire protection district as may be agreed upon, which is located within the part of the fire protection district located within the corporate limits of the city with full power in the city to use and dispose of such tangible real and personal property as the city deems best in the public interest, and the fire protection district shall no longer levy and collect any tax upon the property included within the corporate limits of the city; except that, if the city and the fire protection district cannot mutually agree to such an arrangement, then the city shall assume responsibility for fire protection in the annexed area on or before January first of the third calendar year following the actual inclusion of the property within the city, as determined by the annexation process, and furthermore the fire protection district shall not levy and collect any tax upon that property included within the corporate limits of the city after the date of inclusion of that property:

(1) On or before January first of the second calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(2) On or before January first of the third calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to four-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(3) On or before January first of the fourth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to three-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(4) On or before January first of the fifth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to two-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district; and

(5) On or before January first of the sixth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to one-fifth of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district.

Nothing contained in this section shall prohibit the ability of a city to negotiate contracts with a fire protection district for mutually agreeable services. This section shall also apply to those fire protection districts and cities which have not reached agreement on overlapping boundaries previous to August 28, 1990. Such fire protection districts and cities shall be treated as though inclusion of the annexed area took place on December thirty-first immediately following August 28, 1990.

2. Any property excluded from a fire protection district by reason of subsection 1 of this section shall be subject to the provisions of section 321.330.

3. The provisions of this section shall not apply in any county of the first class having a charter form of government and having a population of over nine hundred thousand inhabitants.

4. The provisions of this section shall not apply where the annexing city or town operates a city fire department, is any city of the third classification with more than six thousand but fewer than seven thousand inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, and is entirely surrounded by a single fire protection district. In such cases, the provision of fire and emergency medical services following annexation shall be governed by subsections 2, **4 and 6** [and 3] of section 72.418."; and

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

**Committee on Professional Registration and Licensing**, Chairman Burlison reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 49**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1** and **House Committee Amendment No. 2**, and pursuant to Rule 27(7) be referred to the Select Committee on General Laws.

*House Committee Amendment No. 1*

AMEND House Bill No. 49, Page 2, Section 595.030, Line 36, by inserting after the word "**practitioner**" the words "**licensed under chapter 335 or licensed in the state in which the service is provided**"; and

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

*House Committee Amendment No. 2*

AMEND House Bill No. 49, Page 1, Section A, Line 2, by inserting after all of said line the following:

"595.010. 1. As used in sections 595.010 to 595.075, unless the context requires otherwise, the following terms shall mean:

(1) "Child", a dependent, unmarried person who is under eighteen years of age and includes a posthumous child, stepchild, or an adopted child;

(2) "Claimant", a victim or a dependent, relative, survivor, or member of the family of a victim eligible for compensation pursuant to sections 595.010 to 595.075, **or a funeral home if the victim's family or next of kin designates it as such under section 595.015**;

(3) "Conservator", a person or corporation appointed by a court to have the care and custody of the estate of a minor or a disabled person, including a limited conservator;

(4) "Counseling", problem-solving and support concerning emotional issues that result from criminal victimization licensed pursuant to section 595.030. Counseling is a confidential service provided either on an individual basis or in a group. Counseling has as a primary purpose to enhance, protect and restore a person's sense of well-being and social functioning after victimization. Counseling does not include victim advocacy services such as crisis telephone counseling, attendance at medical procedures, law enforcement interviews or criminal justice proceedings;

(5) "Crime", an act committed in this state which, if committed by a mentally competent, criminally responsible person who had no legal exemption or defense, would constitute a crime; provided that, such act involves the application of force or violence or the threat of force or violence by the offender upon the victim but shall include the crime of driving while intoxicated, vehicular manslaughter and hit and run; and provided, further, that no act involving the operation of a motor vehicle except driving while intoxicated, vehicular manslaughter and hit and run which results in injury to another shall constitute a crime for the purpose of sections 595.010 to 595.075, unless such injury was intentionally inflicted through the use of a motor vehicle. A crime shall also include an act of terrorism, as defined in 18 U.S.C. Section 2331, which has been committed outside of the United States against a resident of Missouri;

(6) "Crisis intervention counseling", helping to reduce psychological trauma where victimization occurs;

(7) "Department", the department of public safety;

(8) "Dependent", mother, father, spouse, spouse's mother, spouse's father, child, grandchild, adopted child, illegitimate child, niece or nephew, who is wholly or partially dependent for support upon, and living with, but shall

include children entitled to child support but not living with, the victim at the time of his injury or death due to a crime alleged in a claim pursuant to sections 595.010 to 595.075;

(9) "Direct service", providing physical services to a victim of crime including, but not limited to, transportation, funeral arrangements, child care, emergency food, clothing, shelter, notification and information;

(10) "Director", the director of public safety of this state or a person designated by him for the purposes of sections 595.010 to 595.075;

(11) "Disabled person", one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that the person lacks ability to manage his financial resources, including a partially disabled person who lacks the ability, in part, to manage his financial resources;

(12) "Emergency service", those services provided within thirty days to alleviate the immediate effects of the criminal act or offense, and may include cash grants of not more than one hundred dollars;

(13) "Earnings", net income or net wages;

(14) "Family", the spouse, parent, grandparent, stepmother, stepfather, child, grandchild, brother, sister, half brother, half sister, adopted children of parent, or spouse's parents;

(15) "Funeral expenses", the expenses of the funeral, burial, cremation or other chosen method of interment, including plot or tomb and other necessary incidents to the disposition of the remains;

(16) "Gainful employment", engaging on a regular and continuous basis, up to the date of the incident upon which the claim is based, in a lawful activity from which a person derives a livelihood;

(17) "Guardian", one appointed by a court to have the care and custody of the person of a minor or of an incapacitated person, including a limited guardian;

(18) "Hit and run", the crime of leaving the scene of a motor vehicle accident as defined in section 577.060;

(19) "Incapacitated person", one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that he lacks capacity to meet essential requirements for food, clothing, shelter, safety or other care such that serious physical injury, illness, or disease is likely to occur, including a partially incapacitated person who lacks the capacity to meet, in part, such essential requirements;

(20) "Injured victim", a person:

(a) Killed or receiving a personal physical injury in this state as a result of another person's commission of or attempt to commit any crime;

(b) Killed or receiving a personal physical injury in this state while in a good faith attempt to assist a person against whom a crime is being perpetrated or attempted;

(c) Killed or receiving a personal physical injury in this state while assisting a law enforcement officer in the apprehension of a person who the officer has reason to believe has perpetrated or attempted a crime;

(21) "Law enforcement official", a sheriff and his regular deputies, municipal police officer or member of the Missouri state highway patrol and such other persons as may be designated by law as peace officers;

(22) "Offender", a person who commits a crime;

(23) "Personal physical injury", actual bodily harm only with respect to the victim. Personal physical injury may include mental or nervous shock resulting from the specific incident upon which the claim is based;

(24) "Private agency", a not-for-profit corporation, in good standing in this state, which provides services to victims of crime and their dependents;

(25) "Public agency", a part of any local or state government organization which provides services to victims of crime;

(26) "Relative", the spouse of the victim or a person related to the victim within the third degree of consanguinity or affinity as calculated according to civil law;

(27) "Survivor", the spouse, parent, legal guardian, grandparent, sibling or child of the deceased victim of the victim's household at the time of the crime;

(28) "Victim", a person who suffers personal physical injury or death as a direct result of a crime, as defined in subdivision (5) of this subsection;

(29) "Victim advocacy", assisting the victim of a crime and his dependents to acquire services from existing community resources.

2. As used in sections 565.024 and 565.060 and sections 595.010 to 595.075, the term "alcohol-related traffic offense" means those offenses defined by sections 577.001, 577.010, and 577.012, and any county or municipal ordinance which prohibits operation of a motor vehicle while under the influence of alcohol.

595.015. 1. The department of public safety shall, pursuant to the provisions of sections 595.010 to 595.075, have jurisdiction to determine and award compensation to, or on behalf of, victims of crimes. In making such determinations and awards, the department shall ensure the compensation sought is reasonable and consistent with the limitations described in sections 595.010 to 595.075. Additionally, if compensation being sought includes medical expenses, the department shall further ensure that such expenses are medically necessary. The department of public safety may pay directly to the provider of the services compensation for medical or funeral expenses, or expenses for other services as described in section 595.030, incurred by the claimant. The department is not required to provide compensation in any case, nor is it required to award the full amount claimed. The department shall make its award of compensation based upon independent verification obtained during its investigation.

2. Such claims shall be made by filing an application for compensation with the department of public safety. The application form shall be furnished by the department and the signature shall be notarized. The application shall include:

- (1) The name and address of the victim;
- (2) If the claimant is not the victim, the name and address of the claimant and relationship to the victim, the names and addresses of the victim's dependents, if any, and the extent to which each is so dependent;
- (3) The date and nature of the crime or attempted crime on which the application for compensation is based;
- (4) The date and place where, and the law enforcement officials to whom, notification of the crime was given;
- (5) The nature and extent of the injuries sustained by the victim, the names and addresses of those giving medical and hospital treatment to the victim and whether death resulted;
- (6) The loss to the claimant or a dependent resulting from the injury or death;
- (7) The amount of benefits, payments or awards, if any, payable from any source which the claimant or dependent has received or for which the claimant or dependent is eligible as a result of the injury or death;
- (8) Releases authorizing the surrender to the department of reports, documents and other information relating to the matters specified under this section; and
- (9) Such other information as the department determines is necessary.

3. In addition to the application, the department may require that the claimant submit materials substantiating the facts stated in the application.

4. If the department finds that an application does not contain the required information or that the facts stated therein have not been substantiated, it shall notify the claimant in writing of the specific additional items of information or materials required and that the claimant has thirty days from the date of mailing in which to furnish those items to the department. Unless a claimant requests and is granted an extension of time by the department, the department shall reject with prejudice the claim of the claimant for failure to file the additional information or materials within the specified time.

5. The claimant may file an amended application or additional substantiating materials to correct inadvertent errors or omissions at any time before the department has completed its consideration of the original application.

6. The claimant, victim or dependent shall cooperate with law enforcement officials in the apprehension and prosecution of the offender in order to be eligible, or the department has found that the failure to cooperate was for good cause.

7. Any state or local agency, including a prosecuting attorney or law enforcement agency, shall make available without cost to the fund all reports, files and other appropriate information which the department requests in order to make a determination that a claimant is eligible for an award pursuant to sections 595.010 to 595.075.

**8. If the victim is deceased, the victim's family or next of kin may sign a notarized statement designating the funeral home as a claimant eligible for compensation from the crime victims' compensation fund provided such funeral home complies with the provisions of this section.";** and

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

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SB 458**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1, House Committee Amendment No. 2, House Committee Amendment No. 1 to House Committee Amendment No. 3, and House Committee Amendment No. 3, as amended**, and pursuant to Rule 27(7) be referred to the Select Committee on General Laws.

*House Committee Amendment No. 1*

AMEND Senate Bill No. 458, Page 1, Section A, Line 3, by inserting immediately after said line the following:

"338.200. 1. In the event a pharmacist is unable to obtain refill authorization from the prescriber due to death, incapacity, or when the pharmacist is unable to obtain refill authorization from the prescriber, a pharmacist may dispense an emergency supply of medication if:

(1) In the pharmacist's professional judgment, interruption of therapy might reasonably produce undesirable health consequences;

(2) The pharmacy previously dispensed or refilled a prescription from the applicable prescriber for the same patient and medication;

(3) The medication dispensed is not a controlled substance;

(4) The pharmacist informs the patient or the patient's agent either verbally, electronically, or in writing at the time of dispensing that authorization of a prescriber is required for future refills; and

(5) The pharmacist documents the emergency dispensing in the patient's prescription record, as provided by the board by rule.

**(6) Any requests for an emergency supply of medication dispensed by a pharmacist under this section shall be determined by a pharmacist licensed under chapter 338.**

2. (1) If the pharmacist is unable to obtain refill authorization from the prescriber, the amount dispensed shall be limited to the amount determined by the pharmacist within his or her professional judgment as needed for the emergency period, provided the amount dispensed shall not exceed a seven-day supply.

(2) In the event of prescriber death or incapacity or inability of the prescriber to provide medical services, the amount dispensed shall not exceed a thirty-day supply.

3. Pharmacists or permit holders dispensing an emergency supply pursuant to this section shall promptly notify the prescriber or the prescriber's office of the emergency dispensing, as required by the board by rule.

4. An emergency supply may not be dispensed pursuant to this section if the pharmacist has knowledge that the prescriber has otherwise prohibited or restricted emergency dispensing for the applicable patient.

5. The board shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void."; and

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

*House Committee Amendment No. 2*

AMEND Senate Bill No. 458, Page 1, In the Title, Line 3, by deleting the following on said line:

"the renewal of license issued by the board of pharmacy" and inserting in lieu thereof the following "professional registration"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting immediately after said line the following:

"334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice registered nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in schedules III, IV, and V of section 195.017 for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, except the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. This exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C. 1395i-4, and provider-based rural health clinics where the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician is required to maintain documentation related to this requirement and to present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse;

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days. **In performing the review, the collaborating physician need not be present at the health care practitioner's site;** and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including delegating authority to prescribe controlled substances. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, including collaborative practice agreements delegating the authority to prescribe controlled substances, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017.

8. A collaborating physician shall not enter into a collaborative practice arrangement with more than three full-time equivalent advanced practice registered nurses. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008, **nor to collaborative arrangements**

**between a physician and an advanced practice registered nurse, if the collaborative physician is new to a patient population to which the collaborating advanced practice registered nurse, assistant physician, or assistant physician is already familiar.**

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician."; and

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

*House Committee Amendment No. 1  
to  
House Committee Amendment No. 3*

AMEND House Committee Amendment No. 3 to Senate Bill No. 458, Page 1, Line 2, by striking the following "licensure of professionals" and inserting in lieu thereof the following "professional registration"; and

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

*House Committee Amendment No. 3*

AMEND Senate Bill No. 458, Page 1, Line 3 of the Title, by deleting said line and inserting in lieu thereof the following: "sections relating to licensure of professionals."; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after said line the following:

"334.040. 1. Except as provided in section 334.260, all persons desiring to practice as physicians and surgeons in this state shall be examined as to their fitness to engage in such practice by the board. All persons applying for examination shall file a completed application with the board upon forms furnished by the board.

2. The examination shall be sufficient to test the applicant's fitness to practice as a physician and surgeon. The examination shall be conducted in such a manner as to conceal the identity of the applicant until all examinations have been scored. In all such examinations an average score of not less than seventy-five percent is required to pass; provided, however, that the board may require applicants to take the Federation Licensing Examination, also known as FLEX, or the United States Medical Licensing Examination (USMLE). If the FLEX examination is required, a weighted average score of no less than seventy-five is required to pass. Scores from one test administration of the FLEX shall not be combined or averaged with scores from other test administrations to achieve a passing score. The passing score of the United States Medical Licensing Examination shall be determined by the board through rule and regulation. Applicants graduating from a medical or osteopathic college, as [defined] **described** in section 334.031 prior to January 1, 1994, shall provide proof of successful completion of the FLEX, USMLE, an exam administered by the National Board of Osteopathic Medical Examiners (NBOME), a state board examination approved by the board, compliance with subsection 2 of section 334.031, or compliance with 20 CSR 2150-2.005. Applicants graduating from a medical or osteopathic college, as [defined] **described** in section 334.031 on or after January 1, 1994, must provide proof of **successful** completion of the USMLE or an exam administered by NBOME or provide proof of compliance with subsection 2 of section 334.031. [The board shall not issue a permanent license as a physician and surgeon or allow the Missouri state board examination to be administered to

any applicant who has failed to achieve a passing score within three attempts on licensing examinations administered in one or more states or territories of the United States, the District of Columbia or Canada. The steps one, two and three of the United States Medical Licensing Examination shall be taken within a seven-year period with no more than three attempts on any step of the examination; however, the board may grant an extension of the seven-year period if the applicant has obtained a MD/PhD degree in a program accredited by the Liaison Committee on Medical Education (LCME) and a regional university accrediting body or a DO/PhD degree accredited by the American Osteopathic Association and a regional university accrediting body.] The board may waive the provisions of this section if the applicant is licensed to practice as a physician and surgeon in another state of the United States, the District of Columbia or Canada and the applicant has achieved a passing score on a licensing examination administered in a state or territory of the United States or the District of Columbia and no license issued to the applicant has been disciplined in any state or territory of the United States or the District of Columbia [and the applicant is certified in the applicant's area of specialty by the American Board of Medical Specialties, the American Osteopathic Association, or other certifying agency approved by the board by rule].

3. If the board waives the provisions of this section, then the license issued to the applicant may be limited or restricted to the applicant's board specialty. The board shall not be permitted to favor any particular school or system of healing.

4. If an applicant has not actively engaged in the practice of clinical medicine or held a teaching or faculty position in a medical or osteopathic school approved by the American Medical Association, the Liaison Committee on Medical Education, or the American Osteopathic Association for any two years in the three-year period immediately preceding the filing of his or her application for licensure, the board may require successful completion of another examination, continuing medical education, or further training before issuing a permanent license. The board shall adopt rules to prescribe the form and manner of such reexamination, continuing medical education, and training.

**334.280. 1. For purposes of this section, the following terms shall mean:**

(1) “Continuous medical education”, continued postgraduate medical education intended to provide medical professionals with knowledge of new developments in their field;

(2) “Maintenance of certification”, any process requiring periodic recertification examinations to maintain specialty medical board certification;

(3) “Maintenance of licensure”, the Federation of State Medical Boards’ proprietary framework for physician license renewal including additional periodic testing other than continuous medical education;

(4) “Specialty medical board certification”, certification by a board that specializes in one particular area of medicine and typically requires additional and more strenuous exams than state board of medicine requirements to practice medicine.

2. The state shall not require any form of maintenance of licensure as a condition of physician licensure including requiring any form of maintenance of licensure tied to maintenance of certification. Current requirements including continuous medical education shall suffice to demonstrate professional competency.

3. The state shall not require any form of specialty medical board certification or any maintenance of certification to practice medicine within the state. There shall be no discrimination by the state board of registration for the healing arts or any other state agency against physicians who do not maintain specialty medical board certification including recertification.”; and

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

**Committee on Transportation, Chairman Kolkmeier reporting:**

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 474**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

**Committee on Workforce Standards and Development**, Chairman Lant reporting:

Mr. Speaker: Your Committee on Workforce Standards and Development, to which was referred **HB 44**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(10) be referred to the Select Committee on Labor and Industrial Relations.

*House Committee Amendment No. 1*

AMEND House Bill No. 44, Page 1, Section 286.350, Line 1, by inserting a "-" after the word "**best**"; and

Further amend said bill, Page 1, Section 286.350, Lines 5 and 6, by deleting all of said lines and inserting in lieu thereof the following:

**"(1) The definition of gender pay equality;  
(2) The causes of gender pay inequality;"**; and

Further amend said bill, Page 1, Section 286.350, Line 8, by deleting all of said line and inserting in lieu thereof the following:

**"(4) Ways in which to achieve gender pay equality."**; and

Further amend said bill, Page 1, Section 286.350, Lines 9 and 10, by deleting all of said lines and inserting in lieu thereof the following:

**"2. The guidelines created in subsection 1 of this section shall be submitted to the general assembly and shall take effect immediately upon passage of a concurrent resolution by both houses of the general assembly approving such guidelines.**

**3. Nothing in this section shall be interpreted to create a cause of action on behalf of any employee, and no employer shall be required to adopt or implement the best-practice guidelines."**; and

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

**Select Committee on Budget**, Chairman Flanigan reporting:

Mr. Speaker: Your Select Committee on Budget, to which was referred **SCS SB 210**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**.

**Select Committee on Commerce**, Chairman Zerr reporting:

Mr. Speaker: Your Select Committee on Commerce, to which was referred **SCR 14**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Select Committee on Commerce, to which was referred **SCR 15**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Select Committee on Commerce, to which was referred **SB 276**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Select Committee on Commerce, to which was referred **SB 277**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Select Committee on Insurance**, Chairman Gosen reporting:

Mr. Speaker: Your Select Committee on Insurance, to which was referred **HB 262**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**.

**Select Committee on Judiciary**, Chairman Austin reporting:

Mr. Speaker: Your Select Committee on Judiciary, to which was referred **HB 1331, with House Committee Amendment No. 1 to House Committee Amendment No. 1, and House Committee Amendment No. 1, as amended**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**.

**Select Committee on Social Services**, Chairman Allen reporting:

Mr. Speaker: Your Select Committee on Social Services, to which was referred **HB 720, with House Committee Amendment No. 1**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**.

Mr. Speaker: Your Select Committee on Social Services, to which was referred **HB 977, with House Committee Amendment No. 1**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**.

Mr. Speaker: Your Select Committee on Social Services, to which was referred **SCS SB 35**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**.

Mr. Speaker: Your Select Committee on Social Services, to which was referred **SCS SB 341, with House Committee Amendment No. 1**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**.

Mr. Speaker: Your Select Committee on Social Services, to which was referred **SCS SB 380, with House Committee Amendment No. 1**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**.

**Select Committee on Utilities**, Chairman Berry reporting:

Mr. Speaker: Your Select Committee on Utilities, to which was referred **HB 1102, with House Committee Amendment No. 1**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**.

## INTRODUCTION OF HOUSE BILLS - APPROPRIATIONS

The following House Bill was read the first time and copies ordered printed:

**HB 19**, introduced by Representative Flanigan, to appropriate money for purposes for the several departments and offices of state government and for capital improvements.

## ADJOURNMENT

On motion of Representative Richardson, the House adjourned until 10:00 a.m., Wednesday, April 29, 2015.

## COMMITTEE HEARINGS

### ADMINISTRATION AND ACCOUNTS

Wednesday, April 29, 2015, Upon Conclusion of Morning Session, House Hearing Room 5.  
Executive session may be held on any matter referred to the committee.  
Policy change on part time hourly employment.  
Policy change to allow purchasing agent the authority to authorize expenditures up to \$5,000.  
Discussion of visitor pins.

### AGRICULTURE POLICY

Wednesday, April 29, 2015, 12:30 PM, House Hearing Room 4.  
Public hearing will be held: SCS SB 131  
Executive session will be held: SCS SB 131  
Executive session may be held on any matter referred to the committee.

### CHILDREN AND FAMILIES

Thursday, April 30, 2015, 9:00 AM, North Gallery.  
Public hearing will be held: SS SCS SB 354  
Executive session will be held: SS SCS SB 354, HB 81  
Executive session may be held on any matter referred to the committee.

### CIVIL AND CRIMINAL PROCEEDINGS

Wednesday, April 29, 2015, 12:00 PM, House Hearing Room 1.  
Public hearing will be held: HB 80, HB 294, HB 431, HB 860, SCS SB 321  
Executive session may be held on any matter referred to the committee.

### CONFERENCE COMMITTEE ON SCS HCS HB 42

Wednesday, April 29, 2015, Upon Conclusion of Afternoon Session, House Hearing Room 7.  
Executive session may be held on any matter referred to the committee.  
Conference committee hearing on SCS HCS HB 42.

### CONFERENCE COMMITTEE ON SCS HCS HB 42

Thursday, April 30, 2015, 9:00 AM, House Hearing Room 5.  
Executive session may be held on any matter referred to the committee.  
Conference committee hearing on SCS HCS HB 42.

CORRECTED

CORRECTIONS

Wednesday, April 29, 2015, 8:00 AM, House Hearing Room 5.  
Public hearing will be held: SB 369  
Executive session will be held: HB 708  
Executive session may be held on any matter referred to the committee.

ECONOMIC DEVELOPMENT AND BUSINESS ATTRACTION AND RETENTION

Thursday, April 30, 2015, 9:00 AM, House Hearing Room 3.  
Public hearing will be held: SS SB 314  
Executive session may be held on any matter referred to the committee.

EMERGING ISSUES

Wednesday, April 29, 2015, 1:00 PM, House Hearing Room 5.  
Public hearing will be held: HB 851, SS SB 58, SB 113, SCS SB 315, SCR 20  
Executive session may be held on any matter referred to the committee.

ENERGY AND THE ENVIRONMENT

Wednesday, April 29, 2015, 12:30 PM, House Hearing Room 6.  
Public hearing will be held: SS#3 SCS SB 142, SCR 36  
Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Wednesday, April 29, 2015, 9:15 AM, South Gallery.  
Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, April 30, 2015, 9:15 AM, South Gallery.  
Executive session may be held on any matter referred to the committee.

HEALTH AND MENTAL HEALTH POLICY

Wednesday, April 29, 2015, Upon Conclusion of Morning Session, House Hearing Room 7.  
Public hearing will be held: HB 718, HB 1133, SCS SB 197  
Executive session may be held on any matter referred to the committee.  
Location changed to Hearing Room 7

CORRECTED

HEALTH INSURANCE

Wednesday, April 29, 2015, 9:00 AM, House Hearing Room 4.  
Public hearing will be held: SS SCS SB 145  
Executive session may be held on any matter referred to the committee.

HIGHER EDUCATION

Tuesday, May 5, 2015, 8:00 AM, House Hearing Room 6.  
Public hearing will be held: SCS SB 93, SS SB 366  
Executive session will be held: HB 653  
Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON EDUCATION

Monday, May 11, 2015, 1:00 PM, Senate Committee Room 1.

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

Agenda: Election of chair and vice chair. Consideration of interim inquires/projects.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Tuesday, May 5, 2015, 8:00 AM, House Hearing Room 4.

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

2<sup>nd</sup> Quarter Meeting.

Portions of the meeting may be closed pursuant to Section 610.021, RSMo.

SELECT COMMITTEE ON AGRICULTURE

Thursday, April 30, 2015, 8:30 AM, South Gallery.

Executive session will be held: HCR 47, SCR 10, SS SCR 25, SCS SCR 30, SCR 31, SB 500

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

SELECT COMMITTEE ON BUDGET

Wednesday, April 29, 2015, 12:30 PM, House Hearing Room 3.

Public hearing will be held: SS SB 330

Executive session will be held: SS SB 330

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

SELECT COMMITTEE ON BUDGET

Wednesday, April 29, 2015, 8:00 PM, House Hearing Room 3.

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

Public hearing and executive session on HB 19, pending referral.

SELECT COMMITTEE ON EDUCATION

Thursday, April 30, 2015, 8:00 AM, House Hearing Room 5.

Executive session will be held: SB 334, SCS SB 328, HB 991, HJR 6, HB 1083

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

SELECT COMMITTEE ON GENERAL LAWS

Wednesday, April 29, 2015, Upon Conclusion of Afternoon Session, House Hearing Room 3.

Executive session will be held: HB 757, SB 148, SCS SB 499, SCR 17, SCS SCR 26, SB 458

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

AMENDED

SELECT COMMITTEE ON INSURANCE

Thursday, April 30, 2015, 8:00 AM, House Hearing Room 4.

Executive session will be held: SS SCS SBs 63 & 111, SB 205

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

AMENDED

**SELECT COMMITTEE ON JUDICIARY**

Wednesday, April 29, 2015, 5:00 PM, House Hearing Room 1.

Executive session will be held: HB 292, HB 503, HB 1129, HB 1182, HB 1220, SB 317, SCS SB 435

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

There will be a HCS for HB 1220

There are amendments on HB 503 and SB 317

**SELECT COMMITTEE ON STATE AND LOCAL GOVERNMENTS**

Thursday, April 30, 2015, 8:00 AM, House Hearing Room 1.

Executive session will be held: SCS SB 326, SCS SB 539, SB 474, SB 561, SCS SB 190

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

**SELECT COMMITTEE ON UTILITIES**

Thursday, April 30, 2015, 8:30 AM, House Hearing Room 6.

Executive session will be held: HB 756

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

**UTILITY INFRASTRUCTURE**

Wednesday, April 29, 2015, 5:00 PM, House Hearing Room 6.

Public hearing will be held: HB 1335

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

Hearing will take place at 5:00 PM or Upon Evening Recess/Adjournment.

**HOUSE CALENDAR**

SIXTIETH DAY, WEDNESDAY, APRIL 29, 2015

**HOUSE BILLS FOR SECOND READING - APPROPRIATIONS**

HB 19

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HJR 44 - Shumake

HJR 9 - Burlison

HJR 4 - Haahr

**HOUSE BILLS FOR PERFECTION**

HCS HB 138 - Reiboldt

HCS HB 181 - Haahr

HCS HB 497 - Austin

HCS HB 203 - Curtman

HB 793 - Rizzo

HCS HB 321 - Jones

HCS HB 339 - McGaugh

HCS HB 550 - Wood  
HCS HB 655 - Love  
HB 676 - Rowden  
HCS HB 965 - Allen  
HCS HB 356 - Jones  
HCS HB 624 - Franklin  
HCS HB 654 - Allen  
HCS HB 770 - Jones  
HCS HB 461 - Bahr  
HCS HB 520 - Hicks  
HCS HB 540 - Johnson  
HB 739 - McCann Beatty  
HCS HB 955 - Ross  
HCS HB 547 - Allen  
HB 981 - Rowden  
HCS HB 67 - Dugger  
HB 702 - Higdon  
HB 761 - Jones  
HB 892 - Shumake  
HCS HB 1091 - Phillips  
HB 464 - Rowden  
HCS HB 760 - Flanigan  
HCS HB 803 - Swan  
HCS HB 921 - Burlison  
HCS HB 1003 - Hummel  
HB 1313 - Rowden  
HB 1324, HCA 1 - Rowden  
HB 854 - Reiboldt  
HCS HB 956 - Fraker  
HCS HB 165 - Gosen  
HCS HB 697 - Corlew  
HCS HB 1074 - Lant  
HB 1247 - Lant  
HCS HB 1254 - Lichtenegger  
HCS HBs 159 & 570 - Rehder  
HB 195 - Love  
HB 253 - Berry  
HB 257 - Dugger  
HB 285 - White  
HB 1005 - Berry  
HCS HB 1040 - Jones  
HCS HB 1067 - Koenig  
HCS HB 978 - Dogan  
HCS HB 1357 - Corlew  
HCS HB 207 - Curtman  
HCS HB 657 - Phillips  
HCS HB 1006 - Cross

HB 1096 - Houghton  
HCS HB 1179 - Alferman  
HB 1330 - Cross  
HCS HB 1042 - Korman

**HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCR 35 - Reiboldt

**HOUSE BILLS FOR THIRD READING**

HB 582 - Curtis  
HCS HB 513, (Fiscal Review 3/4/15) - McCaherty  
HB 928 - Corlew  
HB 411 - Kelley  
HCS HB 781 - Gosen  
HCS HB 1048 - Kidd  
HCS HB 565, (Fiscal Review 4/28/15) - Spencer

**SENATE BILLS FOR THIRD READING - CONSENT**

SB 116 - Davis

**SENATE BILLS FOR THIRD READING**

HCS SCS SB 270 - Dugger  
HCS SS SCS SB 67 - Rhoads  
HCS SB 156 - Hubbard  
SB 166 - Curtis  
HCS SCS SB 245, E.C. - Dugger  
SB 272 - Rowden  
HCS SB 282 - Gosen  
SB 318 - Cookson  
SB 446 - Davis  
HCS SCS SB 456 - Berry  
SS SCS SB 15 - Koenig  
HCS SS SCS SB 115 - Miller  
HCS SCS SB 172, E.C. - Swan  
HCS SB 244 - Barnes  
HCS SS SCS SB 278 - Hinson  
HCS SCS SB 445 - Miller  
SB 524 - Shull  
HCS SB 164, (Fiscal Review 4/28/15) - Gosen  
HCS SS SCS SB 174, (Fiscal Review 4/28/15) - Richardson  
HCS SCS SB 300 - Leara  
HCS SCS SB 322, (Fiscal Review 4/28/15) - Engler  
HCS SCS SB 336 - Higdon  
SCS SB 345 - Dugger

**SENATE CONCURRENT RESOLUTIONS FOR THIRD READING**

SCR 2 - English

**HOUSE BILLS WITH SENATE AMENDMENTS**

HB 515, SA 1, SA 2 - Leara

**BILLS CARRYING REQUEST MESSAGES**

SS SCS HB 458, as amended, (request Senate recede/grant House conference) - Allen

**BILLS IN CONFERENCE**

SS#2 SCS SB 11, HA 1, HA 1 HA 2, HA 2, a.a., HA 1 HA 3, HA 3, a.a., & HA 4 - Rowden

CCR HCS SCS SB 152, as amended - Miller

SCS HCS HB 42, as amended, E.C. - Wood

CCR HCS SB 104, as amended - Dugger

HCS SS SCS SB 5, as amended - Curtman