

JOURNAL OF THE HOUSE

Second Regular Session, 98th GENERAL ASSEMBLY

FORTY-SEVENTH DAY, TUESDAY, APRIL 5, 2016

The House met pursuant to adjournment.

Speaker Richardson in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

I must work the works of Him that sent Me, while it is day. (John 9:4)

O God of Our Fathers and Mothers, cleanse the thoughts of our hearts by the inspiration of Your Holy Spirit that we may truly love You and worthily serve You this day in this Missouri House.

May our hearts be with You as we seek solutions to the important issues and serious problems that confront us and our State during these hours.

In this dear land of our service, help us to close ranks in a greater unity of spirit as we seek to legislate honesty to renew our heritage of freedom, with liberty and justice for all.

Make us great enough in spirit that we may be equal to every experience, ready for every responsibility, and adequate for every activity.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

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

SPECIAL RECOGNITION

The Boys Quartet from the Agape Boarding School performed "America the Beautiful."

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

The following Senate Concurrent Resolution was read the second time:

SCR 66, relating to the University of Missouri System.

PERFECTION OF HOUSE BILLS

HCS HB 1464, relating to the operation of motorcycles or motortricycles, was taken up by Representative Burlison.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1464, Page 1, In the Title, Line 5, by deleting the phrase, "the operation of motorcycles or motortricycles" and inserting in lieu thereof the word "transportation"; and

Further amend said bill and page, Section A, Line 4, by inserting immediately after all of said line the following:

"142.803. 1. A tax is levied and imposed on all motor fuel used or consumed in this state as follows:

(1) Motor fuel, seventeen cents per gallon **until December 31, 2016. Thereafter such tax shall be twenty-two and nine-tenths cents per gallon;**

(2) Alternative fuels, not subject to the decal fees as provided in section 142.869, with a power potential equivalent of motor fuel. In the event alternative fuel, which is not commonly sold or measured by the gallon, is used in motor vehicles on the highways of this state, the director is authorized to assess and collect a tax upon such alternative fuel measured by the nearest power potential equivalent to that of one gallon of regular grade gasoline. The determination by the director of the power potential equivalent of such alternative fuel shall be prima facie correct;

(3) Aviation fuel used in propelling aircraft with reciprocating engines, nine cents per gallon as levied and imposed by section 155.080 to be collected as required under this chapter;

(4) Compressed natural gas fuel, five cents per gasoline gallon equivalent until December 31, 2019, eleven cents per gasoline gallon equivalent from January 1, 2020, until December 31, 2024, and then seventeen cents per gasoline gallon equivalent thereafter. The gasoline gallon equivalent and method of sale for compressed natural gas shall be as published by the National Institute of Standards and Technology in Handbooks 44 and 130, and supplements thereto or revisions thereof. In the absence of such standard or agreement, the gasoline gallon equivalent and method of sale for compressed natural gas shall be equal to five and sixty-six-hundredths pounds of compressed natural gas. All applicable provisions contained in this chapter governing administration, collections, and enforcement of the state motor fuel tax shall apply to the tax imposed on compressed natural gas, including but not limited to licensing, reporting, penalties, and interest;

(5) Liquefied natural gas fuel, five cents per diesel gallon equivalent until December 31, 2019, eleven cents per diesel gallon equivalent from January 1, 2020, until December 31, 2024, and then seventeen cents per diesel gallon equivalent thereafter. The diesel gallon equivalent and method of sale for liquefied natural gas shall be as published by the National Institute of Standards and Technology in Handbooks 44 and 130, and supplements thereto or revisions thereof.

In the absence of such standard or agreement, the diesel gallon equivalent and method of sale for liquefied natural gas shall be equal to six and six-hundredths pounds of liquefied natural gas. All applicable provisions contained in this chapter governing administration, collections, and enforcement of the state motor fuel tax shall apply to the tax imposed on liquefied natural gas, including but not limited to licensing, reporting, penalties, and interest;

(6) If a natural gas, compressed natural gas, or liquefied natural gas connection is used for fueling motor vehicles and for another use, such as heating, the tax imposed by this section shall apply to the entire amount of natural gas, compressed natural gas, or liquefied natural gas used unless an approved separate metering and accounting system is in place.

2. All taxes, surcharges and fees are imposed upon the ultimate consumer, but are to be precollected as described in this chapter, for the facility and convenience of the consumer. The levy and assessment on other persons as specified in this chapter shall be as agents of this state for the precollection of the tax."; and

Further amend said bill, Page 4, Section 302.026, Line 14, by inserting after all of said line the following:

"Section B. This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2016, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise."; and

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

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

The Chair ruled the point of order well taken.

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1464, Page 2, Section 302.020 in the first instance, Line 22, by inserting after the number "**302.137**" the following:

"or possessed his or her motorcycle license or motorcycle endorsement for a minimum period of two years"; and

Further amend said bill, page and section, Line 24, by inserting after the word "director." the following:

"No person twenty-one years of age or older shall be stopped, inspected, or detained solely to determine compliance with this subsection."; and

Further amend said bill, Page 3, Section 302.020 in the second instance, Line 22, by inserting after the number "**302.137**" the following:

"or possessed his or her motorcycle license or motorcycle endorsement for a minimum period of two years"; and

Further amend said bill, page and section, Line 24, by inserting after the word "director." the following:

"No person twenty-one years of age or older shall be stopped, inspected, or detained solely to determine compliance with this subsection."; 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 Meredith offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 1464, Page 4, Section 302.026, Line 11, by deleting the word "**fifty**" and inserting in lieu thereof the phrase "**five hundred**"; and

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

Representative Meredith moved that **House Amendment No. 3** be adopted.

Which motion was defeated.

On motion of Representative Burlison, **HCS HB 1464, as amended**, was adopted.

On motion of Representative Burlison, **HCS HB 1464, as amended**, was ordered perfected and printed.

HCS HB 1898, relating to property taxation of telephone companies, was taken up by Representative Berry.

On motion of Representative Berry, **HCS HB 1898** was adopted.

On motion of Representative Berry, **HCS HB 1898** was ordered perfected and printed by the following vote, the ayes and noes having been demanded pursuant to Article III, Section 26 of the Constitution:

AYES: 102

| | | | | |
|------------|-------------|--------------|---------------|--------------|
| Alferman | Allen | Anderson | Austin | Bahr |
| Basye | Beard | Bernskoetter | Berry | Black |
| Bondon | Brattin | Brown 57 | Brown 94 | Burlison |
| Chipman | Cierpiot | Colona | Conway 104 | Cookson |
| Corlew | Cornejo | Crawford | Cross | Curtman |
| Davis | Dogan | Dohrman | Dugger | Eggleston |
| Engler | Entlicher | Fitzpatrick | Fitzwater 144 | Fitzwater 49 |
| Flanigan | Fraker | Franklin | Frederick | Gannon |
| Haahr | Haefner | Hill | Hinson | Hoskins |
| Houghton | Hubrecht | Hurst | Johnson | Jones |
| Justus | King | Koenig | Kolkmeier | Korman |
| Lair | Lant | Lauer | Leara | Lichtenegger |
| Love | Lynch | Marshall | Mathews | McCaherty |
| McGaugh | Messenger | Miller | Moon | Morris |
| Muntzel | Neely | Parkinson | Pfautsch | Phillips |
| Pietzman | Pike | Plocher | Rehder | Reiboldt |
| Remole | Rhoads | Roden | Roeber | Rone |
| Ross | Rowden | Rowland 155 | Shaul | Shull |
| Shumake | Solon | Sommer | Spencer | Swan |
| Taylor 139 | Taylor 145 | Vescovo | Wiemann | Wood |
| Zerr | Mr. Speaker | | | |

NOES: 049

| | | | | |
|-----------|------------|----------|------------|---------------|
| Adams | Anders | Andrews | Arthur | Burns |
| Carpenter | Conway 10 | Curtis | Dunn | Ellington |
| Gardner | Green | Hansen | Harris | Higdon |
| Hubbard | Hummel | Kelley | Kendrick | Kirkton |
| Kratky | LaFaver | Lavender | May | McCann Beatty |
| McCreery | McDaniel | McDonald | McNeil | Meredith |
| Mitten | Montecillo | Morgan | Newman | Nichols |
| Norr | Otto | Pace | Peters | Pierson |
| Pogue | Redmon | Rizzo | Rowland 29 | Runions |
| Ruth | Walker | Webber | White | |

PRESENT: 001

Barnes

ABSENT: 010

| | | | | |
|--------|---------|-------|-------------|--------|
| Butler | English | Hicks | Hough | Kidd |
| McGee | Mims | Smith | Walton Gray | Wilson |

VACANCIES: 001

Speaker Pro Tem Hoskins assumed the Chair.

HCS HB 2689, relating to the state's energy policies, was taken up by Representative Miller.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 2689, Page 3, Section 393.1580, Line 75, by inserting after the number "6." the following:

"Nothing in this section shall be construed as granting the commission jurisdiction over any third party transmission provider organized under chapter 394, or over any transmission or wheeling contract to which such third party transmission provider is a party, and the commission's approval of any aluminum smelter rate or discount otherwise allowed under this section shall not constitute or be deemed to be a filed rate under the filed rate doctrine for purposes of any such third party transmission contract.

7."; and

Further amend said bill, Page 5, Section B, Line 4, by inserting after the word "section" the words "393.1580 of section"; and

Further amend said bill, page and section, Line 6, by inserting after the word "section" the words "393.1580 of section"; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 2689, Page 1, Section 393.1505, Lines 1-13, by deleting all of said lines and removing said section from the bill; and

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

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

| | | | | |
|-------------|------------|-------------|---------------|--------------|
| Alferman | Allen | Anderson | Andrews | Austin |
| Bahr | Barnes | Basye | Beard | Bernskoetter |
| Berry | Black | Bondon | Brattin | Brown 57 |
| Brown 94 | Burlison | Chipman | Cierpiot | Conway 104 |
| Cookson | Corlew | Cornejo | Crawford | Curtman |
| Davis | Dogan | Dohrman | Dugger | Eggleston |
| Engler | Entlicher | Fitzpatrick | Fitzwater 144 | Fitzwater 49 |
| Flanigan | Fraker | Franklin | Frederick | Gannon |
| Haahr | Haefner | Hansen | Higdon | Hill |
| Hoskins | Houghton | Hubrecht | Hurst | Johnson |
| Justus | Kelley | Kidd | King | Koenig |
| Kolkmeyer | Lair | Lant | Lauer | Lichtenegger |
| Love | Lynch | Marshall | Mathews | McCaherty |
| McDaniel | McGaugh | Messenger | Miller | Moon |
| Morris | Muntzel | Parkinson | Pfautsch | Phillips |
| Pietzman | Pike | Plocher | Pogue | Redmon |
| Reiboldt | Remole | Rhoads | Roden | Rone |
| Ross | Rowden | Rowland 155 | Ruth | Shaul |
| Shull | Shumake | Solon | Sommer | Spencer |
| Swan | Taylor 139 | Taylor 145 | Vescovo | Walker |
| White | Wiemann | Wilson | Wood | Zerr |
| Mr. Speaker | | | | |

NOES: 038

| | | | | |
|---------------|----------|----------|-----------|-----------|
| Adams | Anders | Arthur | Burns | Carpenter |
| Conway 10 | Curtis | Dunn | Ellington | Gardner |
| Green | Harris | Hubbard | Hummel | Kendrick |
| Kirkton | Kratky | LaFaver | Lavender | May |
| McCann Beatty | McCreery | McDonald | McNeil | Meredith |
| Mitten | Morgan | Newman | Nichols | Norr |
| Otto | Pace | Peters | Pierson | Rizzo |
| Rowland 29 | Runions | Webber | | |

PRESENT: 000

ABSENT: 018

| | | | | |
|--------|--------|-------------|---------|--------|
| Butler | Colona | Cross | English | Hicks |
| Hinson | Hough | Jones | Korman | Leara |
| McGee | Mims | Montecillo | Neely | Rehder |
| Roeber | Smith | Walton Gray | | |

VACANCIES: 001

Representative McCreery moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

On motion of Representative Miller, **HCS HB 2689, as amended**, was adopted.

On motion of Representative Miller, **HCS HB 2689, as amended**, was ordered perfected and printed.

THIRD READING OF HOUSE BILLS

HCS HB 1413, relating to the Missouri qualified fuel ethanol producer incentive fund, was taken up by Representative Houghton.

On motion of Representative Houghton, **HCS HB 1413** was read the third time and passed by the following vote:

AYES: 104

| | | | | |
|-----------|-----------|---------------|--------------|---------------|
| Adams | Alferman | Anders | Andrews | Arthur |
| Austin | Basye | Beard | Berry | Black |
| Bondon | Brown 57 | Brown 94 | Burns | Butler |
| Carpenter | Cierpiot | Colona | Conway 10 | Cookson |
| Corlew | Cornejo | Crawford | Dohrman | Dugger |
| Dunn | Eggleston | Engler | Entlicher | Fitzwater 144 |
| Fraker | Franklin | Gannon | Gardner | Green |
| Haahr | Hansen | Harris | Higdon | Hinson |
| Hoskins | Hough | Houghton | Hubbard | Hubrecht |
| Hummel | Jones | Kelley | Kendrick | King |
| Kolkmeyer | Korman | LaFaver | Lair | Lant |
| Lauer | Lavender | Leara | Lichtenegger | Love |
| Lynch | May | McCann Beatty | McCreery | McDaniel |
| McGaugh | McGee | McNeil | Meredith | Messenger |
| Miller | Mitten | Morgan | Muntzel | Neely |
| Nichols | Norr | Otto | Pace | Peters |
| Pfautsch | Pierson | Pike | Redmon | Rehder |
| Reiboldt | Remole | Rhoads | Rizzo | Roden |
| Rone | Rowden | Rowland 155 | Rowland 29 | Ruth |
| Shaul | Shumake | Swan | Taylor 145 | Walker |
| Webber | Wood | Zerr | Mr. Speaker | |

NOES: 047

| | | | | |
|----------|-----------|------------|-------------|--------------|
| Allen | Anderson | Bahr | Barnes | Brattin |
| Burlison | Chipman | Conway 104 | Curtis | Curtman |
| Davis | Dogan | Ellington | Fitzpatrick | Fitzwater 49 |
| Flanigan | Frederick | Haefner | Hill | Hurst |
| Johnson | Justus | Kidd | Kirkton | Koenig |
| Marshall | Mathews | McCaherty | McDonald | Montecillo |
| Moon | Morris | Newman | Parkinson | Pietzman |
| Plocher | Pogue | Roeber | Ross | Runions |
| Sommer | Spencer | Taylor 139 | Vescovo | White |
| Wiemann | Wilson | | | |

PRESENT: 000

ABSENT: 011

| | | | | |
|--------------|----------|---------|-------|--------|
| Bernskoetter | Cross | English | Hicks | Kratky |
| Mims | Phillips | Shull | Smith | Solon |
| Walton Gray | | | | |

VACANCIES: 001

Speaker Pro Tem Hoskins declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 004

| | | | |
|--------|-----------|---------|------|
| Colona | Conway 10 | Hubbard | Pace |
|--------|-----------|---------|------|

NOES: 142

| | | | | |
|--------------|--------------|-------------|---------------|---------------|
| Adams | Alferman | Allen | Anders | Anderson |
| Andrews | Arthur | Austin | Bahr | Barnes |
| Basye | Beard | Berry | Black | Bondon |
| Brattin | Brown 57 | Brown 94 | Burlison | Burns |
| Butler | Carpenter | Chipman | Cierpiot | Conway 104 |
| Cookson | Corlew | Cornejo | Curtis | Curtman |
| Davis | Dogan | Dohrman | Dunn | Eggleston |
| Ellington | Engler | Entlicher | Fitzpatrick | Fitzwater 144 |
| Fitzwater 49 | Flanigan | Fraker | Franklin | Frederick |
| Gannon | Gardner | Haahr | Haefner | Hansen |
| Harris | Higdon | Hill | Hinson | Hoskins |
| Hough | Houghton | Hubrecht | Hummel | Hurst |
| Johnson | Justus | Kelley | Kendrick | Kidd |
| King | Kirkton | Koenig | Kolkmeyer | Korman |
| LaFaver | Lair | Lant | Lauer | Lavender |
| Leara | Lichtenegger | Love | Lynch | Marshall |
| Mathews | May | McCaherty | McCann Beatty | McCreery |
| McDaniel | McDonald | McGaugh | McGee | McNeil |
| Meredith | Messenger | Miller | Mitten | Montecillo |
| Moon | Morgan | Morris | Muntzel | Neely |
| Newman | Nichols | Norr | Otto | Peters |
| Pfautsch | Pierson | Pietzman | Pike | Plocher |
| Pogue | Redmon | Rehder | Reiboldt | Remole |
| Rhoads | Rizzo | Roden | Roeber | Rone |
| Ross | Rowden | Rowland 155 | Rowland 29 | Runions |
| Ruth | Shaul | Shumake | Sommer | Spencer |
| Swan | Taylor 139 | Taylor 145 | Vescovo | Walker |
| Webber | White | Wiemann | Wilson | Wood |
| Zerr | Mr. Speaker | | | |

PRESENT: 000

ABSENT: 016

| | | | | |
|--------------|----------|-------|--------|---------|
| Bernskoetter | Crawford | Cross | Dugger | English |
| Green | Hicks | Jones | Kratky | Mims |
| Parkinson | Phillips | Shull | Smith | Solon |
| Walton Gray | | | | |

VACANCIES: 001

On motion of Representative Cierpiot, the House recessed until 2:15 p.m.

AFTERNOON SESSION

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

Representative Austin suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 046

| | | | | |
|-------------|---------------|--------------|----------|------------|
| Alferman | Basye | Bernskoetter | Black | Bondon |
| Burlison | Burns | Cookson | Cross | Curtman |
| Entlicher | Fitzwater 144 | Flanigan | Fraker | Gannon |
| Haefner | Hansen | Houghton | Hubbard | Hubrecht |
| Hurst | Justus | Kelley | Koenig | Kolkmeier |
| Korman | Kratky | Lichtenegger | McNeil | Montecillo |
| Morris | Neely | Pfautsch | Pietzman | Pogue |
| Redmon | Reiboldt | Remole | Rizzo | Rowland 29 |
| Solon | Taylor 139 | Taylor 145 | White | Zerr |
| Mr. Speaker | | | | |

NOES: 000

PRESENT: 064

| | | | | |
|-----------|--------------|-------------|-----------|---------------|
| Adams | Allen | Anders | Anderson | Andrews |
| Austin | Barnes | Beard | Brattin | Brown 57 |
| Brown 94 | Chipman | Conway 104 | Corlew | Crawford |
| Davis | Dogan | Dohrman | Dugger | Dunn |
| Eggleston | Fitzwater 49 | Franklin | Frederick | Green |
| Haahr | Harris | Higdon | Hill | Hummel |
| Johnson | Kendrick | Kirkton | Lair | Lant |
| Lavender | Lynch | Mathews | McCaherty | McCann Beatty |
| McCreery | McDaniel | McGaugh | Messenger | Miller |
| Moon | Morgan | Norr | Pike | Plocher |
| Rhoads | Ross | Rowland 155 | Ruth | Shaul |
| Shull | Shumake | Sommer | Swan | Vescovo |
| Walker | Webber | Wiemann | Wood | |

ABSENT: 052

| | | | | |
|-------------|----------|-----------|-------------|-----------|
| Arthur | Bahr | Berry | Butler | Carpenter |
| Cierpiot | Colona | Conway 10 | Cornejo | Curtis |
| Ellington | Engler | English | Fitzpatrick | Gardner |
| Hicks | Hinson | Hoskins | Hough | Jones |
| Kidd | King | LaFaver | Lauer | Leara |
| Love | Marshall | May | McDonald | McGee |
| Meredith | Mims | Mitten | Muntzel | Newman |
| Nichols | Otto | Pace | Parkinson | Peters |
| Phillips | Pierson | Rehder | Roden | Roeber |
| Rone | Rowden | Runions | Smith | Spencer |
| Walton Gray | Wilson | | | |

VACANCIES: 001

THIRD READING OF HOUSE BILLS - CONSENT

HB 2428, relating to school counselors, was taken up by Representative Swan.

On motion of Representative Swan, **HB 2428** was read the third time and passed by the following vote:

AYES: 119

| | | | | |
|---------------|--------------|-----------|-------------|------------|
| Adams | Alferman | Allen | Anders | Anderson |
| Andrews | Arthur | Austin | Barnes | Basye |
| Beard | Bernskoetter | Black | Bondon | Brattin |
| Brown 57 | Brown 94 | Burlison | Burns | Carpenter |
| Chipman | Colona | Conway 10 | Conway 104 | Cookson |
| Corlew | Crawford | Cross | Curtman | Davis |
| Dogan | Dohrman | Dunn | Eggleston | Entlicher |
| Fitzwater 144 | Fitzwater 49 | Flanigan | Fraker | Franklin |
| Frederick | Gannon | Green | Haahr | Haefner |
| Hansen | Harris | Higdon | Hill | Hinson |
| Houghton | Hubbard | Hubrecht | Hummel | Hurst |
| Johnson | Jones | Justus | Kelley | Kendrick |
| Kidd | King | Kirkton | Koenig | Kolkmeier |
| Korman | Kratky | Lair | Lant | Lavender |
| Leara | Lichtenegger | Lynch | Mathews | McCaherty |
| McCann Beatty | McCreery | McDaniel | McGaugh | McGee |
| McNeil | Meredith | Messenger | Miller | Montecillo |
| Morgan | Morris | Norr | Parkinson | Pfautsch |
| Pike | Plocher | Pogue | Redmon | Reiboldt |
| Remole | Rhoads | Rizzo | Ross | Rowden |
| Rowland 155 | Rowland 29 | Ruth | Shaul | Shull |
| Shumake | Solon | Sommer | Swan | Taylor 139 |
| Taylor 145 | Vescovo | Walker | Webber | White |
| Wiemann | Wood | Zerr | Mr. Speaker | |

NOES: 001

Moon

PRESENT: 000

ABSENT: 042

| | | | | |
|-------------|---------|-----------|----------|---------|
| Bahr | Berry | Butler | Cierpiot | Cornejo |
| Curtis | Dugger | Ellington | Engler | English |
| Fitzpatrick | Gardner | Hicks | Hoskins | Hough |
| LaFaver | Lauer | Love | Marshall | May |
| McDonald | Mims | Mitten | Muntzel | Neely |
| Newman | Nichols | Otto | Pace | Peters |
| Phillips | Pierson | Pietzman | Rehder | Roden |
| Roeber | Rone | Runions | Smith | Spencer |
| Walton Gray | Wilson | | | |

VACANCIES: 001

Speaker Richardson declared the bill passed.

HB 2480, relating to Law Enforcement Appreciation Day, was taken up by Representative Justus.

On motion of Representative Justus, **HB 2480** was read the third time and passed by the following vote:

AYES: 133

| | | | | |
|---------------|--------------|--------------|--------------|-----------|
| Adams | Alferman | Allen | Anders | Anderson |
| Andrews | Arthur | Austin | Bahr | Barnes |
| Basye | Beard | Bernskoetter | Berry | Black |
| Bondon | Brattin | Brown 57 | Brown 94 | Burlison |
| Burns | Carpenter | Chipman | Cierpiot | Colona |
| Conway 10 | Conway 104 | Cookson | Corlew | Cornejo |
| Crawford | Cross | Curtman | Davis | Dogan |
| Dohrman | Dugger | Dunn | Eggleston | Entlicher |
| Fitzwater 144 | Fitzwater 49 | Flanigan | Fraker | Franklin |
| Frederick | Gannon | Green | Haahr | Haefner |
| Hansen | Harris | Higdon | Hill | Hinson |
| Hough | Houghton | Hubbard | Hubrecht | Hummel |
| Hurst | Johnson | Jones | Justus | Kelley |
| Kendrick | Kidd | King | Kirkton | Koenig |
| Kolkmeyer | Korman | Kratky | LaFaver | Lair |
| Lant | Lavender | Leara | Lichtenegger | Lynch |
| Marshall | Mathews | McCaherty | McCreery | McDaniel |
| McGaugh | McGee | McNeil | Meredith | Messenger |
| Montecillo | Moon | Morgan | Morris | Neely |
| Nichols | Norr | Otto | Parkinson | Peters |
| Pfausch | Pietzman | Pike | Plocher | Pogue |
| Redmon | Reiboldt | Remole | Rhoads | Rizzo |
| Ross | Rowden | Rowland 155 | Rowland 29 | Ruth |
| Shaul | Shull | Shumake | Solon | Sommer |
| Spencer | Swan | Taylor 139 | Taylor 145 | Vescovo |
| Walker | Webber | White | Wiemann | Wilson |
| Wood | Zerr | Mr. Speaker | | |

NOES: 000

PRESENT: 000

ABSENT: 029

| | | | | |
|-------------|---------|---------------|-------------|---------|
| Butler | Curtis | Ellington | Engler | English |
| Fitzpatrick | Gardner | Hicks | Hoskins | Lauer |
| Love | May | McCann Beatty | McDonald | Miller |
| Mims | Mitten | Muntzel | Newman | Pace |
| Phillips | Pierson | Rehder | Roden | Roeber |
| Rone | Runions | Smith | Walton Gray | |

VACANCIES: 001

Speaker Richardson declared the bill passed.

PERFECTION OF HOUSE BILLS

HB 1466, relating to the division of professional registration, was taken up by Representative Burlison.

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

House Amendment No. 1

AMEND House Bill No. 1466, Page 1, In the Title, Lines 2-3, by deleting the phrase "the division of professional registration" and inserting in lieu thereof the phrase "limitations on legislation"; and

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

"1.135. 1. (1) All individuals shall be free from unreasonable government regulation. The state shall not impose a substantial burden on an individual's natural right to life, liberty, the pursuit of happiness and the enjoyment of the gains of their own industry unless there is an substantial governmental interest for the state to protect the general welfare. If such an interest exists, the legislation adopted by the general assembly shall be of the least restrictive type consistent with the public interest to be protected.

(2) All bills introduced in the legislature shall be reviewed according to the following criteria. A bill shall be passed by the general assembly only if:

(a) The proposed legislation is necessary to the safety and happiness of the people of this state and the potential for further harm and endangerment is easily recognizable and not remote or dependent upon tenuous argument;

(b) The public needs and can reasonably be expected to benefit from the proposed legislation and it is instituted solely for the good of the whole; and

(c) The general welfare cannot be effectively protected by other means.

(3) After evaluating the criteria in subdivision (2) of this subsection and considering governmental, economic, and societal costs and benefits, if the legislature finds that the state has an important interest in instituting such legislation it shall be implemented in the least restrictive manner, consistent with the need to protect the general welfare and this section.

2. After January 1, 2017, bill sponsors shall be required to explain each of the following factors to the legislative committees of reference:

(1) A definition of the problem and why new legislation is necessary, such as:

(a) The proposed bill meets an immediate need of the citizens of this state;

(b) The proposed bill would improve the state's crumbling infrastructure;

(c) The proposed bill would improve the educational outcomes for students residing in this state; or

(d) The proposed bill would improve the health care outcomes for the citizens of this state,

(2) The efforts made to address the actual harm caused, and

(3) The alternatives considered prior to proposing new legislation.

3. Bill sponsors shall submit a written report explaining the factors enumerated in subsection 2 of this section to the legislative committees of reference.

4. For the purposes of this section, "general welfare", shall mean the concern of the government for the health, peace, morality, and safety of its citizens."; and

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

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

Which motion was defeated.

On motion of Representative Burlison, **HB 1466** was ordered perfected and printed by the following vote, the ayes and noes having been demanded pursuant to Rule 17:

AYES: 112

| | | | | |
|-----------|---------------|--------------|------------|-------------|
| Alferman | Allen | Anders | Anderson | Andrews |
| Arthur | Austin | Bahr | Barnes | Basye |
| Beard | Bernskoetter | Berry | Black | Bondon |
| Brattin | Brown 57 | Brown 94 | Burlison | Carpenter |
| Chipman | Cierpiot | Conway 104 | Cookson | Corlew |
| Cornejo | Crawford | Cross | Curtman | Davis |
| Dogan | Dohrman | Dugger | Eggleston | Engler |
| Entlicher | Fitzwater 144 | Fitzwater 49 | Flanigan | Fraker |
| Frederick | Gannon | Haahr | Haefner | Hansen |
| Harris | Hill | Hoskins | Houghton | Hubbard |
| Hubrecht | Hurst | Johnson | Jones | Justus |
| Kelley | Kendrick | Kidd | King | Koenig |
| Kolkmeyer | Korman | LaFaver | Lair | Lant |
| Leara | Lichtenegger | Love | Lynch | Marshall |
| McCaherty | McDaniel | McGaugh | Messenger | Miller |
| Moon | Morris | Muntzel | Neely | Nichols |
| Pace | Parkinson | Pfautsch | Pietzman | Pike |
| Plocher | Rehder | Reiboldt | Remole | Rhoads |
| Roeber | Rone | Ross | Rowden | Rowland 155 |
| Ruth | Shaul | Shull | Shumake | Solon |
| Sommer | Spencer | Taylor 139 | Taylor 145 | Vescovo |
| Walker | White | Wiemann | Wilson | Wood |
| Zerr | Mr. Speaker | | | |

NOES: 029

| | | | | |
|------------|---------------|-----------|---------|-----------|
| Adams | Burns | Butler | Colona | Conway 10 |
| Curtis | Dunn | Ellington | Gardner | Green |
| Higdon | Hummel | Kirkton | Kratky | Lavender |
| May | McCann Beatty | McCreery | McNeil | Meredith |
| Montecillo | Morgan | Norr | Otto | Pierson |
| Pogue | Rizzo | Runions | Swan | |

PRESENT: 000

ABSENT: 021

| | | | | |
|---------|-------------|------------|----------|-------------|
| English | Fitzpatrick | Franklin | Hicks | Hinson |
| Hough | Lauer | Mathews | McDonald | McGee |
| Mims | Mitten | Newman | Peters | Phillips |
| Redmon | Roden | Rowland 29 | Smith | Walton Gray |
| Webber | | | | |

VACANCIES: 001

HB 1659, relating to MO HealthNet reimbursement for behavior assessment and intervention, was taken up by Representative Frederick.

On motion of Representative Frederick, **HB 1659** was ordered perfected and printed.

HCS HB 2441, relating to certificates of need, was taken up by Representative Jones.

On motion of Representative Jones, **HCS HB 2441** was adopted.

On motion of Representative Jones, **HCS HB 2441** was ordered perfected and printed.

HCS HB 1941, relating to gaming activities, was taken up by Representative Fitzpatrick.

Representative Rowland (29) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1941, Page 4, Section 572.010 v1, Line 31, by inserting after the phrase, "**such teams**" the phrase, "**during a single calendar day**"; and

Further amend said bill, page and section, Line 32, by inserting after the phrase, "**actual event**" the phrase, "**during a single calendar day**"; and

Further amend said bill, Page 6, Section 572.010 v2, Line 31, by inserting after the phrase, "**such teams**" the phrase, "**during a single calendar day**"; and

Further amend said bill, page and section, Line 32, by inserting after the phrase, "**actual event**" the phrase, "**during a single calendar day**"; and

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

Speaker Pro Tem Hoskins resumed the Chair.

Representative Rowland (29) moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

On motion of Representative Fitzpatrick, **HCS HB 1941** was adopted.

On motion of Representative Fitzpatrick, **HCS HB 1941** was ordered perfected and printed.

THIRD READING OF HOUSE BILLS - CONSENT

HB 2499, relating to the Missouri Works Training Program, was taken up by Representative Lauer.

Speaker Richardson resumed the Chair.

On motion of Representative Lauer, **HB 2499** was read the third time and passed by the following vote:

AYES: 141

| | | | | |
|--------------|---------------|---------------|--------------|------------|
| Adams | Allen | Anders | Anderson | Andrews |
| Arthur | Austin | Bahr | Basye | Beard |
| Bernskoetter | Berry | Black | Bondon | Brattin |
| Brown 57 | Brown 94 | Burns | Butler | Carpenter |
| Chipman | Cierpiot | Colona | Conway 10 | Conway 104 |
| Cookson | Corlew | Cornejo | Crawford | Cross |
| Curtis | Curtman | Davis | Dogan | Dohrman |
| Dugger | Dunn | Eggleston | Ellington | Engler |
| Entlicher | Fitzpatrick | Fitzwater 144 | Fitzwater 49 | Flanigan |
| Fraker | Franklin | Frederick | Gannon | Gardner |
| Green | Haahr | Haefner | Hansen | Harris |
| Higdon | Hill | Hinson | Hoskins | Houghton |
| Hubbard | Hummel | Hurst | Johnson | Jones |
| Justus | Kelley | Kendrick | Kidd | King |
| Kirkton | Koenig | Kolkmeier | Kratky | LaFaver |
| Lair | Lant | Lauer | Lavender | Leara |
| Lichtenegger | Love | Lynch | Mathews | May |
| McCaherty | McCann Beatty | McCreery | McDaniel | McDonald |
| McGaugh | McGee | McNeil | Meredith | Messenger |
| Miller | Mitten | Montecillo | Morgan | Morris |
| Muntzel | Neely | Nichols | Norr | Otto |
| Pace | Peters | Pfautsch | Phillips | Pierson |
| Pike | Redmon | Rehder | Reiboldt | Remole |
| Rhoads | Rizzo | Roden | Roeber | Ross |
| Rowland 155 | Rowland 29 | Runions | Ruth | Shaul |
| Shull | Shumake | Solon | Sommer | Spencer |
| Swan | Taylor 139 | Taylor 145 | Vescovo | Walker |
| Webber | Wiemann | Wilson | Wood | Zerr |
| Mr. Speaker | | | | |

NOES: 007

| | | | | |
|--------|----------|----------|------|-----------|
| Barnes | Burlison | Marshall | Moon | Parkinson |
| Pogue | White | | | |

PRESENT: 000

ABSENT: 014

| | | | | |
|----------|---------|--------|-------------|----------|
| Alferman | English | Hicks | Hough | Hubrecht |
| Korman | Mims | Newman | Pietzman | Plocher |
| Rone | Rowden | Smith | Walton Gray | |

VACANCIES: 001

Speaker Richardson declared the bill passed.

PERFECTION OF HOUSE BILLS

HCS HB 1695, relating to nuisance abatement ordinances, was taken up by Representative Rowland (155).

On motion of Representative Rowland (155), **HCS HB 1695** was adopted.

On motion of Representative Rowland (155), **HCS HB 1695** was ordered perfected and printed.

HB 2146, relating to guardianship of minors, was taken up by Representative Beard.

On motion of Representative Beard, **HB 2146** was ordered perfected and printed.

HB 2147, relating to filing a responsive pleading in certain family law proceedings, was taken up by Representative Beard.

On motion of Representative Beard, **HB 2147** was ordered perfected and printed.

HCS HB 2332, relating to judicial proceedings, was taken up by Representative Corlew.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 2332, Page 15, Section 477.650, Line 43, by inserting after all of said section and line the following:

"478.252. 1. The circuit court of Jackson County may establish the "Armed Offender Docket Pilot Project". The armed offender docket shall have dedicated judges and other personnel for all matters of hearing, setting of bail or other pretrial matters, trial, sentencing, and supervision of the accused or convicted in all actions in which the lead charge has been brought under subdivision (2) of subsection 1 of section 569.020 prior to December 31, 2016, or, beginning January 1, 2017, subdivision (1) of subsection 1 of section 569.160; subdivision (2) of subsection 1 of section 570.023; section 571.015; subdivisions (1), (2), (3), or (6) of subsection 1 of section 571.020; sections 571.030, 571.045, or 571.050; subdivision (1) of subsection 1 of section 571.060; or sections 571.063, 571.070, 571.072, or 571.150. For purposes of this section, a "lead charge" means the highest grade of a charge against a defendant. Charges tried by the docket shall arise from lead charges brought on or after the effective date of the creation of the docket.

2. The circuit court may impose a thirty-dollar surcharge for each criminal case assigned to the armed offender docket. Moneys from such surcharge shall be collected in the manner provided in sections 488.010 to 488.020 and shall be used solely to defray the costs of prosecution, pretrial supervision, and statistical analysis of such cases. No such surcharge shall be collected in any proceeding if the proceeding or the defendant has been dismissed by the court or if costs are to be paid by the state, county, or municipality.

3. The presiding judge of the circuit court, along with the prosecuting attorney and all law enforcement agencies in such circuit, shall assist in the coordinating and sharing of court and law enforcement data and information that is relevant to the operation and evaluation of the armed offender docket. Such information shall include, but not be limited to, the following:

- (1) The number of cases in which the court ordered the defendant to be confined pretrial;**
- (2) The number of cases in which the court ordered release of the defendant pretrial;**
- (3) The range of bond amounts in cases in which the defendant was released pretrial;**
- (4) The number of cases in which the court revoked the defendant's release prior to trial;**
- (5) The number of cases dismissed by the court;**
- (6) The number of cases disposed of by plea and the range of sentences imposed in such cases;**
- (7) The number of cases resulting in jury verdicts, including acquittals;**
- (8) The number of cases resulting in a sentence of confinement and the range of sentences imposed;**
- (9) The number of cases in which the court granted probation and release after a judgment of conviction either by plea or verdict;**

(10) The number of cases in which probation revocation was sought and is pending;
(11) The number of cases in which probation revocation was granted; and
(12) Any nonprivileged information reasonably requested by such agencies or by a research university in Missouri with an accredited program in criminology, criminal justice, public health, or social work. Any information that is protected from disclosure by a recognized privilege or statute shall be disclosed only by court order or as provided by statute.

4. Within six months after each anniversary of the creation of the armed offender docket, the circuit court shall provide and publish a public report on the operations of the armed offender docket during the year immediately preceding the anniversary, including any commentary on such operations as may be offered by a research university in Missouri, prosecuting attorney or public defender in such circuit, or law enforcement agency in such circuit.

5. The provisions of this section shall expire on December 31, 2022."; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 2332, Page 34, Section 578.007, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"578.007. The provisions of sections **574.130**, 578.005 to 578.023, **and section 578.040** shall not"; and

Further amend said bill, page and section, Line 18, by deleting all of said line, and inserting in lieu thereof the following:

"person or farm animal but **this exemption** shall not include [police or guard dogs] **the killing or injuring of a law enforcement officer dog** while working"; and

Further amend said bill, page and section, Line 21, by inserting immediately after all of said line the following:

"578.022. Any dog that is owned, or the service of which is employed, by a law enforcement agency that bites **or injures** another animal or human in the course of their official duties is exempt from the provision of sections 273.033 [and], **578.012**, and section 578.024."; and

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

Representative Lavender raised a point of order that **House Amendment No. 2** is improperly drafted.

The Chair ruled the point of order not well taken.

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

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 2332, Page 16, Section 510.035, Line 13, by deleting the word "**Multidisciplinary**" on said line and inserting in lieu thereof the following:

"For purposes of this section, multidisciplinary"; and

Further amend said bill, page and section, Line 24, by deleting the word "**and**" on said line; and

Further amend said bill, page and section, Line 26, by deleting the period "." on said line and inserting in lieu thereof the following:

"; and

(6) The attorney general as part of a legal proceeding."; and

Further amend said bill, section and page, Line 41, by inserting after all of said line the following:

"5. Nothing in this section shall prohibit multidisciplinary team members from exercising discretion to grant access to viewing, but not copying, the visual or aural recordings or photographs."; and

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

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

Representative Fitzwater (49) offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 2332, Page 14, Section 476.055, Line 55, by inserting after all of said section and line the following:

"476.083. 1. In addition to any appointments made pursuant to section 485.010, the presiding judge of each circuit containing one or more facilities operated by the department of corrections with an average total inmate population in all such facilities in the circuit over the previous two years of more than two thousand five hundred inmates **or containing, as of January 1, 2016, a diagnostic and reception center operated by the department of corrections and a mental health facility operated by the department of mental health which houses persons found not guilty of a crime by reason of mental disease or defect under chapter 552 and provides sex offender rehabilitation and treatment services (SORTS)** may appoint a circuit court marshal to aid the presiding judge in the administration of the judicial business of the circuit by overseeing the physical security of the courthouse, serving court-generated papers and orders, and assisting the judges of the circuit as the presiding judge determines appropriate. Such circuit court marshal appointed pursuant to the provisions of this section shall serve at the pleasure of the presiding judge. The circuit court marshal authorized by this section is in addition to staff support from the circuit clerks, deputy circuit clerks, division clerks, municipal clerks, and any other staff personnel which may otherwise be provided by law.

2. The salary of a circuit court marshal shall be established by the presiding judge of the circuit within funds made available for that purpose, but such salary shall not exceed ninety percent of the salary of the highest paid sheriff serving a county wholly or partially within that circuit. Personnel authorized by this section shall be paid from state funds or federal grant moneys which are available for that purpose and not from county funds.

3. Any person appointed as a circuit court marshal pursuant to this section shall have at least five years' prior experience as a law enforcement officer. In addition, any such person shall within one year after appointment, or as soon as practicable, attend a court security school or training program operated by the United States Marshal Service. In addition to all other powers and duties prescribed in this section, a circuit court marshal may:

- (1) Serve process;
- (2) Wear a concealable firearm; and

(3) Make an arrest based upon local court rules and state law, and as directed by the presiding judge of the circuit."; and

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

On motion of Representative Fitzwater (49), **House Amendment No. 4** was adopted.

Representative McCreery requested a division of the question on the adoption of **HCS HB 2332, as amended**.

On motion of Representative Corlew, **Part I of HCS HB 2332** was adopted.

On motion of Representative Corlew, **Part II of HCS HB 2332, as amended**, was adopted.

On motion of Representative Corlew, **HCS HB 2332, as amended**, was ordered perfected and printed.

HCS HB 2561, relating to victims of crimes, was taken up by Representative Brown (94).

Representative Brown (94) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 2561, Page 2, Section 595.120, Line 37, by deleting the word "**that**" and inserting in lieu thereof the words "**by individuals who**"; and

Further amend said bill, page and section, Line 43, by deleting the words "**web site**" and inserting in lieu thereof the word "**website**"; and

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

On motion of Representative Brown (94), **House Amendment No. 1** was adopted.

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 2561, Page 1, Section A, Line 2, by inserting immediately after all of said section and line the following:

"595.030. 1. No compensation shall be paid unless the claimant has incurred an out-of-pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support from gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable expenses or indebtedness reasonably incurred:

(1) For medical care or other services, including psychiatric, psychological or counseling expenses, necessary as a result of the crime upon which the claim is based, except that the amount paid for psychiatric, psychological or counseling expenses per eligible claim shall not exceed two thousand five hundred dollars; or

(2) As a result of personal property being seized in an investigation by law enforcement. Compensation paid for an out-of-pocket loss under this subdivision shall be in an amount equal to the loss sustained, but shall not exceed two hundred fifty dollars.

2. No compensation shall be paid unless the department of public safety finds that a crime was committed, that such crime directly resulted in personal physical injury to, or the death of, the victim, and that police records show that such crime was promptly reported to the proper authorities. In no case may compensation be paid if the police records show that such report was made more than forty-eight hours after the occurrence of such crime, unless the department of public safety finds that the report to the police was delayed for good cause. If the victim is under eighteen years of age such report may be made by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the children's division personnel; or by any other member of the victim's family. In the case of a sexual offense, filing a report of the offense to the proper authorities may include, but not be limited to, the filing of the report of the forensic examination by the appropriate medical provider, as defined in section 595.220, with the prosecuting attorney of the county in which the alleged incident occurred.

3. No compensation shall be paid for medical care if the service provider is not a medical provider as that term is defined in section 595.027, and the individual providing the medical care is not licensed by the state of Missouri or the state in which the medical care is provided.

4. No compensation shall be paid for psychiatric treatment or other counseling services, including psychotherapy, unless the service provider is a:

(1) Physician licensed pursuant to chapter 334 or licensed to practice medicine in the state in which the service is provided;

(2) Psychologist licensed pursuant to chapter 337 or licensed to practice psychology in the state in which the service is provided;

(3) Clinical social worker licensed pursuant to chapter 337; [or]

(4) Professional counselor licensed pursuant to chapter 337; **or**

(5) Board certified psychiatric-mental health clinical nurse specialist or board certified psychiatric-mental health nurse practitioner licensed under chapter 335 or licensed in the state in which the service is provided.

5. Any compensation paid pursuant to sections 595.010 to 595.075 for death or personal injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or support from gainful employment, not to exceed two hundred dollars per week, resulting from such injury or death. In the event of death of the victim, an award may be made for reasonable and necessary expenses actually incurred for preparation and burial not to exceed five thousand dollars.

6. Any compensation for loss of earnings or support from gainful employment shall be in an amount equal to the actual loss sustained not to exceed two hundred dollars per week; provided, however, that no award pursuant to sections 595.010 to 595.075 shall exceed twenty-five thousand dollars. If two or more persons are entitled to compensation as a result of the death of a person which is the direct result of a crime or in the case of a sexual assault, the compensation shall be apportioned by the department of public safety among the claimants in proportion to their loss.

7. The method and timing of the payment of any compensation pursuant to sections 595.010 to 595.075 shall be determined by the department."; and

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

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

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

| | | | | |
|------------|--------------|----------|---------|----------|
| Allen | Anderson | Andrews | Austin | Bahr |
| Basye | Bernskoetter | Berry | Black | Bondon |
| Brattin | Brown 94 | Burlison | Chipman | Cierpiot |
| Conway 104 | Cookson | Corlew | Cornejo | Crawford |

| | | | | |
|------------|-------------|-------------|---------------|--------------|
| Cross | Davis | Dogan | Dohrman | Eggleston |
| Engler | Entlicher | Fitzpatrick | Fitzwater 144 | Fitzwater 49 |
| Flanigan | Fraker | Franklin | Frederick | Haefner |
| Hansen | Higdon | Hill | Hoskins | Houghton |
| Hubrecht | Hurst | Johnson | Jones | Justus |
| Kelley | Kidd | King | Koenig | Kolkmeier |
| Lair | Lant | Lauer | Leara | Lichtenegger |
| Love | Lynch | Marshall | Mathews | McCaherty |
| McDaniel | McGaugh | Messenger | Miller | Moon |
| Morris | Muntzel | Neely | Pfausch | Phillips |
| Pike | Plocher | Pogue | Rehder | Reiboldt |
| Remole | Rhoads | Roden | Roeber | Rone |
| Ross | Rowland 155 | Ruth | Shaul | Shull |
| Solon | Sommer | Spencer | Swan | Taylor 139 |
| Taylor 145 | Vescovo | Walker | White | Wiemann |
| Wilson | Wood | Zerr | Mr. Speaker | |

NOES: 039

| | | | | |
|---------------|------------|------------|-----------|-----------|
| Adams | Anders | Arthur | Burns | Carpenter |
| Conway 10 | Curtis | Dunn | Ellington | Gardner |
| Green | Harris | Hubbard | Hummel | Kendrick |
| Kirkton | Kratky | LaFaver | Lavender | May |
| McCann Beatty | McCreery | McDonald | McGee | McNeil |
| Meredith | Mitten | Montecillo | Morgan | Nichols |
| Norr | Otto | Pace | Peters | Pierson |
| Rizzo | Rowland 29 | Runions | Webber | |

PRESENT: 000

ABSENT: 024

| | | | | |
|----------|---------|-----------|-------------|--------|
| Alferman | Barnes | Beard | Brown 57 | Butler |
| Colona | Curtman | Dugger | English | Gannon |
| Haahr | Hicks | Hinson | Hough | Korman |
| Mims | Newman | Parkinson | Pietzman | Redmon |
| Rowden | Shumake | Smith | Walton Gray | |

VACANCIES: 001

On motion of Representative Brown (94), **HCS HB 2561, as amended**, was adopted.

On motion of Representative Brown (94), **HCS HB 2561, as amended**, was ordered perfected and printed.

HB 1715, relating to bullying of elderly persons, was taken up by Representative Wilson.

Representative Taylor (145) assumed the Chair.

On motion of Representative Wilson, **HB 1715** was ordered perfected and printed.

HB 2102, relating to board oversight of central dispatching for emergency services, was taken up by Representative Justus.

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

House Amendment No. 1

AMEND House Bill No. 2102, Page 4, Section 190.335, Line 106, by inserting after all of said line the following:

"(5) In any county with more than fifty thousand but fewer than seventy thousand inhabitants and with a county seat with more than two thousand one hundred, but fewer than two thousand four hundred inhabitants, the entities listed in subdivision (2) of this subsection shall be represented by one member, and two members shall be residents of the county not affiliated with any of the entities listed in subdivision (2) of this section and shall be known as public members."; and

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

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

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

House Amendment No. 2

AMEND House Bill No. 2102, Page 1, In the Title, Lines 2-3, by removing the phrase "board oversight of central dispatching for" and inserting in lieu thereof "oversight of"; and

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

"190.103. 1. One physician with expertise in emergency medical services from each of the EMS regions shall be elected by that region's EMS medical directors to serve as a regional EMS medical director. The regional EMS medical directors shall constitute the state EMS medical director's advisory committee and shall advise the department and their region's ambulance services on matters relating to medical control and medical direction in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. **The state EMS medical director shall be the chair of the state EMS medical director's advisory committee.**

2. A medical director is required for all ambulance services and emergency medical response agencies that provide: advanced life support services; basic life support services utilizing medications or providing assistance with patients' medications; or basic life support services performing invasive procedures including invasive airway procedures. The medical director shall provide medical direction to these services and agencies in these instances.

3. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall have the responsibility and the authority to ensure that the personnel working under their supervision are able to provide care meeting established standards of care with consideration for state and national standards as well as local area needs and resources. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall establish and develop triage, treatment and transport protocols, which may include authorization for standing orders.

4. All ambulance services and emergency medical response agencies that are required to have a medical director shall establish an agreement between the service or agency and their medical director. The agreement will include the roles, responsibilities and authority of the medical director beyond what is granted in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. The agreement shall also include grievance procedures regarding the emergency medical response agency or ambulance service, personnel and the medical director.

5. Regional EMS medical directors elected as provided under subsection 1 of this section shall be considered public officials for purposes of sovereign immunity, official immunity, and the Missouri public duty doctrine defenses.

6. The state EMS medical director's advisory committee shall be considered a peer review committee under section 537.035 and regional EMS medical directors shall be eligible to participate in the Missouri Patient Safety Organization as provided under the Patient Safety and Quality Improvement Act of 2005, 42 U.S.C. section 299 et seq, as amended.

7. Regional EMS medical directors may act to provide online telecommunication medical direction to EMT-Bs, EMT-Is, EMT-Ps, and community paramedics and provide offline medical direction per standardized treatment, triage, and transport protocols when EMS personnel, including EMT-Bs, EMT-Is, or EMT-Ps community paramedics, are providing care to special needs patients or at the request of a local EMS agency or medical director.

8. When developing treatment protocols for special needs patients, regional EMS medical directors may promulgate such protocols on a regional basis across multiple political subdivisions' jurisdictional boundaries and such protocols may be used by multiple agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments.

9. Multiple EMS agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments shall take necessary steps to follow the regional EMS protocols established as provided under subsection 8 of this section in cases of mass casualty or state-declared disaster incidents.

10. When regional EMS medical directors develop and implement treatment protocols for patients or provide online medical direction for such patients, such activity shall not be construed as having usurped local medical direction authority in any manner.

11. Notwithstanding any other provision of law, when regional EMS medical directors are providing either online telecommunication medical direction to EMT-Bs, EMT-Is, EMT-Ps, and community paramedics, or offline medical direction per standardized EMS treatment, triage, and transport protocols for patients, those medical directions or treatment protocols may include the administration of the patient's own prescription medications."; and

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

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

On motion of Representative Justus, **HB 2102, as amended**, was ordered perfected and printed.

HCS HB 2202, relating to the records of victims of sexual offenses, was taken up by Representative Haefner.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 2202, Page 1, Section 510.035, Line 13, by deleting the word "**Multidisciplinary**" on said line and inserting in lieu thereof the following:

"**For purposes of this section, multidisciplinary**"; and

Further amend said bill and section, Page 2, Line 24, by deleting the word "**and**" on said line; and

Further amend said bill, page and section, Line 26, by deleting the period "." on said line and inserting in lieu thereof the following:

"**; and**

(6) The attorney general as part of a legal proceeding."; and

Further amend said bill, section and page, Line 41, by inserting after all of said line the following:

"5. Nothing in this section shall prohibit multidisciplinary team members from exercising discretion to grant access to viewing, but not copying, the visual or aural recordings or photographs."; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 2202, Page 3, Section 545.950, Line 24, by inserting after all of said section and line the following:

"595.209. 1. The following rights shall automatically be afforded to victims of dangerous felonies, as defined in section 556.061, victims of murder in the first degree, as defined in section 565.020, victims of voluntary manslaughter, as defined in section 565.023, [and] **victims of any offense under chapter 566**, victims of an attempt to commit one of the preceding crimes, as defined in section 564.011, **and victims of domestic assault, as defined in sections 565.072 to 565.074**; and, upon written request, the following rights shall be afforded to victims of all other crimes and witnesses of crimes:

(1) For victims, the right to be present at all criminal justice proceedings at which the defendant has such right, including juvenile proceedings where the offense would have been a felony if committed by an adult, even if the victim is called to testify or may be called to testify as a witness in the case;

(2) For victims, the right to information about the crime, as provided for in subdivision (5) of this subsection;

(3) For victims and witnesses, to be informed, in a timely manner, by the prosecutor's office of the filing of charges, preliminary hearing dates, trial dates, continuances and the final disposition of the case. Final disposition information shall be provided within five days;

(4) For victims, the right to confer with and to be informed by the prosecutor regarding bail hearings, guilty pleas, pleas under chapter 552 or its successors, hearings, sentencing and probation revocation hearings and the right to be heard at such hearings, including juvenile proceedings, unless in the determination of the court the interests of justice require otherwise;

(5) The right to be informed by local law enforcement agencies, the appropriate juvenile authorities or the custodial authority of the following:

(a) The status of any case concerning a crime against the victim, including juvenile offenses;

(b) The right to be informed by local law enforcement agencies or the appropriate juvenile authorities of the availability of victim compensation assistance, assistance in obtaining documentation of the victim's losses, including, but not limited to and subject to existing law concerning protected information or closed records, access to copies of complete, unaltered, unedited investigation reports of motor vehicle, pedestrian, and other similar accidents upon request to the appropriate law enforcement agency by the victim or the victim's representative, and emergency crisis intervention services available in the community;

(c) Any release of such person on bond or for any other reason;

(d) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person;

(6) For victims, the right to be informed by appropriate juvenile authorities of probation revocation hearings initiated by the juvenile authority and the right to be heard at such hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of a personal appearance, the right to be informed by the board of probation and parole of probation revocation hearings initiated by the board and of parole hearings, the right to be present at each and every phase of parole hearings, the right to be heard at probation revocation and parole hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of a personal appearance, and the right to have, upon written request of the victim, a partition set up in the probation or parole hearing room in such a way that the victim is shielded from the view of the

probationer or parolee, and the right to be informed by the custodial mental health facility or agency thereof of any hearings for the release of a person committed pursuant to the provisions of chapter 552, the right to be present at such hearings, the right to be heard at such hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of personal appearance;

(7) For victims and witnesses, upon their written request, the right to be informed by the appropriate custodial authority, including any municipal detention facility, juvenile detention facility, county jail, correctional facility operated by the department of corrections, mental health facility, division of youth services or agency thereof if the offense would have been a felony if committed by an adult, postconviction or commitment pursuant to the provisions of chapter 552 of the following:

(a) The projected date of such person's release from confinement;

(b) Any release of such person on bond;

(c) Any release of such person on furlough, work release, trial release, electronic monitoring program, or to a community correctional facility or program or release for any other reason, in advance of such release;

(d) Any scheduled parole or release hearings, including hearings under section 217.362, regarding such person and any changes in the scheduling of such hearings. No such hearing shall be conducted without thirty days' advance notice;

(e) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person;

(f) Any decision by a parole board, by a juvenile releasing authority or by a circuit court presiding over releases pursuant to the provisions of chapter 552, or by a circuit court presiding over releases under section 217.362, to release such person or any decision by the governor to commute the sentence of such person or pardon such person;

(g) Notification within thirty days of the death of such person;

(8) For witnesses who have been summoned by the prosecuting attorney and for victims, to be notified by the prosecuting attorney in a timely manner when a court proceeding will not go on as scheduled;

(9) For victims and witnesses, the right to reasonable protection from the defendant or any person acting on behalf of the defendant from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;

(10) For victims and witnesses, on charged cases or submitted cases where no charge decision has yet been made, to be informed by the prosecuting attorney of the status of the case and of the availability of victim compensation assistance and of financial assistance and emergency and crisis intervention services available within the community and information relative to applying for such assistance or services, and of any final decision by the prosecuting attorney not to file charges;

(11) For victims, to be informed by the prosecuting attorney of the right to restitution which shall be enforceable in the same manner as any other cause of action as otherwise provided by law;

(12) For victims and witnesses, to be informed by the court and the prosecuting attorney of procedures to be followed in order to apply for and receive any witness fee to which they are entitled;

(13) When a victim's property is no longer needed for evidentiary reasons or needs to be retained pending an appeal, the prosecuting attorney or any law enforcement agency having possession of the property shall, upon request of the victim, return such property to the victim within five working days unless the property is contraband or subject to forfeiture proceedings, or provide written explanation of the reason why such property shall not be returned;

(14) An employer may not discharge or discipline any witness, victim or member of a victim's immediate family for honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or for participating in the preparation of a criminal proceeding, or require any witness, victim, or member of a victim's immediate family to use vacation time, personal time, or sick leave for honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or participating in the preparation of a criminal proceeding;

(15) For victims, to be provided with creditor intercession services by the prosecuting attorney if the victim is unable, as a result of the crime, temporarily to meet financial obligations;

(16) For victims and witnesses, the right to speedy disposition of their cases, and for victims, the right to speedy appellate review of their cases, provided that nothing in this subdivision shall prevent the defendant from having sufficient time to prepare such defendant's defense. The attorney general shall provide victims, upon their

written request, case status information throughout the appellate process of their cases. The provisions of this subdivision shall apply only to proceedings involving the particular case to which the person is a victim or witness;

(17) For victims and witnesses, to be provided by the court, a secure waiting area during court proceedings and to receive notification of the date, time and location of any hearing conducted by the court for reconsideration of any sentence imposed, modification of such sentence or recall and release of any defendant from incarceration;

(18) For victims, the right to receive upon request from the department of corrections a photograph taken of the defendant prior to release from incarceration.

2. The provisions of subsection 1 of this section shall not be construed to imply any victim who is incarcerated by the department of corrections or any local law enforcement agency has a right to be released to attend any hearing or that the department of corrections or the local law enforcement agency has any duty to transport such incarcerated victim to any hearing.

3. Those persons entitled to notice of events pursuant to the provisions of subsection 1 of this section shall provide the appropriate person or agency with their current addresses and telephone numbers or the addresses or telephone numbers at which they wish notification to be given.

4. Notification by the appropriate person or agency utilizing the statewide automated crime victim notification system as established in section 650.310 shall constitute compliance with the victim notification requirement of this section. If notification utilizing the statewide automated crime victim notification system cannot be used, then written notification shall be sent by certified mail to the most current address provided by the victim.

5. Victims' rights as established in Section 32 of Article I of the Missouri Constitution or the laws of this state pertaining to the rights of victims of crime shall be granted and enforced regardless of the desires of a defendant and no privileges of confidentiality shall exist in favor of the defendant to exclude victims or prevent their full participation in each and every phase of parole hearings or probation revocation hearings. The rights of the victims granted in this section are absolute and the policy of this state is that the victim's rights are paramount to the defendant's rights. The victim has an absolute right to be present at any hearing in which the defendant is present before a probation and parole hearing officer."; and

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

Representative Montecillo raised a point of order that **House Amendment No. 2** was not timely distributed.

Representative Taylor (145) requested a parliamentary ruling.

House Amendment No. 2 was withdrawn.

On motion of Representative Haefner, **HCS HB 2202, as amended**, was adopted.

On motion of Representative Haefner, **HCS HB 2202, as amended**, was ordered perfected and printed.

Speaker Richardson resumed the Chair.

HCS HB 2381, relating to mine property, was taken up by Representative Redmon.

HCS HB 2381 was laid over.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HCS HB 2330 - Fiscal Review
HB 2331 - Fiscal Review
HB 2783 - Trade and Tourism
HB 2784 - Ways and Means

COMMITTEE REPORTS

Committee on Agriculture Policy, Chairman Houghton reporting:

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **HB 2368**, 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. 2368, Page 2, Section 574.010 (version 1), Line 21, by deleting the word "**or**"; and

Further amend said bill, page and section, Line 22, by inserting after the word "**hay**" the following:

"**; or**

(c) **The engine of a vehicle or tractor while engaged in normal business-related activities**"; and

Further amend said bill and page, Section 574.010 (version 2), Line 22, by deleting the word "**or**"; and

Further amend said bill, page and section, Line 23, by inserting after the word "**hay**" the following:

"**; or**

(c) **The engine of a vehicle or tractor while engaged in normal business-related activities**"; and

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

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **HB 2462**, 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 **HB 2632**, 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 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 **HB 1645**, 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 Elementary and Secondary Education, Chairman Swan reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 2124**, 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(5) be referred to the Select Committee on Education.

House Committee Amendment No. 1

AMEND House Bill No. 2124, Page 3, Section 620.3030, Line 17, by inserting immediately after the word "**state**" the following:

"and a citizen or permanent resident of the United States"; and

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

House Committee Amendment No. 2

AMEND House Bill No. 2124, Page 2, Section 173.670, Line 47, by deleting the phrase "**147, 148, or 153**" and inserting in lieu thereof the following:

"148 or 153"; and

Further amend said bill, Page 4, Section 620.3030, Line 26, by deleting the phrase "**147, 148, or 153**" and inserting in lieu thereof the following:

"148 or 153"; and

Further amend said bill, page and section, Line 42, by deleting the word "**removed**" and inserting in lieu thereof the word "**transferred**"; and

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

Committee on Pensions, Chairman Walker reporting:

Mr. Speaker: Your Committee on Pensions, to which was referred **HB 2383**, 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(6) be referred to the Select Committee on Financial Institutions and Taxation.

House Committee Amendment No. 1

AMEND House Bill No. 2383, Page 3, Section 70.600, Lines 68 through 88, by deleting all of said lines and inserting in lieu thereof the following:

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

- (a) Any volunteer [fireman] **firefighter**; [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] **firefighter** 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] **police officer** nor a [fireman] **firefighter**; "minimum service retirement age", age fifty-five for a member who is a [policeman] **police officer** or a [fireman] **firefighter**;
- (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] **Police officer**", any regular or permanent employee of the police department of a political subdivision, including a probationary policeman. The term "[policeman] **police officer**" 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] **police officer** for an emergency;" and

Further amend said bill, Page 4, Section 70.600, Line 107, by inserting after all of said line the following:

"70.605. 1. For the purpose of providing for the retirement or pensioning of the officers and employees and the widows and children of deceased officers and employees of any political subdivision of the state, there is hereby created and established a retirement system which shall be a body corporate, which shall be under the management of a board of trustees herein described, and shall be known as the "Missouri Local Government Employees' Retirement System". Such system may sue and be sued, transact business, invest funds, and hold cash, securities, and other property. All suits or proceedings directly or indirectly against the system shall be brought in Cole County. The system shall begin operations on the first day of the calendar month next following sixty days after the date the board of trustees has received certification from ten political subdivisions that they have elected to become employers.

2. The general administration and the responsibility for the proper operation of the system is vested in a board of trustees of seven persons: three persons to be elected as trustees by the members of the system; three persons to be elected trustees by the governing bodies of employers; and one person, to be appointed by the governor, who is not a member, retirant, or beneficiary of the system and who is not a member of the governing body of any political subdivision.

3. Trustees shall be chosen for terms of four years from the first day of January next following their election or appointment, except that of the first board shall all be appointed by the governor by and with the consent of the senate, as follows:

(1) Three persons who are officers or officials of political subdivisions, one for a term of three years, one for a term of two years, and one for a term of one year; and

(2) Three persons who are employees of political subdivisions and who would, if the subdivision by which they are employed becomes an employer, be eligible as members, one for a term of three years, one for a term of two years, and one for a term of one year; and

(3) That person appointed by the governor under the provisions of subsection 2 of this section. All the members of the first board shall take office as soon as appointed by the governor, but their terms shall be computed from the first day of January next following their appointment, and only one member may be from any political subdivision or be a [policeman] **police officer** or [fireman] **firefighter**.

4. Successor trustees elected or appointed as member trustees shall be members of the retirement system; provided, that not more than one member trustee shall be employed by any one employer, and not more than one member trustee shall be a [policeman] **police officer**, and not more than one member trustee shall be a [fireman] **firefighter**.

5. Successor trustees elected as employer trustees shall be elected or appointed officials of employers and shall not be members of the retirement system; provided, that not more than one employer trustee shall be from any one employer.

6. An annual meeting of the retirement system shall be called by the board in the last calendar quarter of each year in Jefferson City, or at such place as the board shall determine, for the purpose of electing trustees and to transact such other business as may be required for the proper operation of the system. Notice of such meeting shall be sent by registered mail to the clerk or secretary of each employer not less than thirty days prior to the date of such meeting. The governing body of each employer shall certify to the board the name of one delegate who shall be an officer of the employer, and the members of the employer shall certify to the board a member of the employer to represent such employer at such meeting. The delegate certified as member delegate shall be elected by secret ballot by the members of such employer, and the clerk or secretary of each employer shall be charged with the duty of conducting such election in a manner which will permit each member to vote in such election. Under such rules and regulations as the board shall adopt, approved by the delegates, the member delegates shall elect a member trustee for each such position on the board to be filled, and the officer delegates shall elect an employer trustee for each such position on the board to be filled.

7. In the event any member trustee ceases to be a member of the retirement system, or any employer trustee ceases to be an appointed or elected official of an employer, or becomes a member of the retirement system, or if the trustee appointed by the governor becomes a member of the retirement system or an elected or appointed official of a political subdivision, or if any trustee fails to attend three consecutive meetings of the board, unless in each case excused for cause by the remaining trustees attending such meeting or meetings, he or she shall be considered as having resigned from the board and the board shall, by resolution, declare his or her office of trustee vacated. If a vacancy occurs in the office of trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled; provided, however, that the remaining trustees may fill employer and member trustee vacancies on the board until the next annual meeting.

8. Each trustee shall be commissioned by the governor, and before entering upon the duties of his or her office, shall take and subscribe to an oath or affirmation to support the Constitution of the United States, and of the state of Missouri, and to demean himself **or herself** faithfully in his **or her** office. Such oath as subscribed to shall be filed in the office of the secretary of state of this state.

9. Each trustee shall be entitled to one vote in the board of trustees. Four votes shall be necessary for a decision by the trustees at any meeting of the board of trustees. Four trustees, of whom at least two shall be member trustees and at least two shall be employer trustees, shall constitute a quorum at any meeting of the board. Unless otherwise expressly provided herein, a meeting need not be called or held to make any decision on a matter before the board. Each member must be sent by the executive secretary a copy of the matter to be decided with full information from the files of the board. The concurring decisions of four trustees may decide the issue by signing a document declaring their decision and sending the written instrument to the executive secretary, provided that no other trustee shall send a dissenting decision to the executive secretary within fifteen days after the document and information was mailed to him or her. If any trustee is not in agreement with the four trustees, the matter is to be passed on at a regular board meeting or a special meeting called for that purpose. The board shall hold regular meetings at least once each quarter, the dates of these meetings to be designated in the rules and regulations adopted by the board. Other meetings as deemed necessary may be called by the chairman or by any four trustees acting jointly.

10. The board of trustees shall elect one of their number as chairman, and one of their number as vice chairman, and shall employ an executive secretary, not one of their number, who shall be the executive officer of the board. Other employees of the board shall be chosen only upon the recommendation of the executive secretary.

11. The board shall appoint an actuary or a firm of actuaries as technical advisor to the board on matters regarding the operation of the system on an actuarial basis. The actuary or actuaries shall perform such duties as are required of him or her under sections 70.600 to 70.755, and as are from time to time required by the board.

12. The board may appoint an attorney-at-law or firm of attorneys-at-law to be the legal advisor of the board and to represent the board in all legal proceedings.

13. The board may appoint an investment counselor to be the investment advisor of the board.

14. The board shall from time to time, after receiving the advice of its actuary, adopt such mortality and other tables of experience, and a rate or rates of regular interest, as shall be necessary for the actuarial requirements of the system, and shall require its executive secretary to keep in convenient form such data as shall be necessary for actuarial investigations of the experience of the system, and such data as shall be necessary for the annual actuarial valuations of the system.

15. The board shall keep a record of its proceedings, which shall be open to public inspection. It shall prepare annually and render to each employer a report showing the financial condition of the system as of the preceding June thirtieth. The report shall contain, but shall not be limited to, a financial balance sheet; a statement of income and disbursements; a detailed statement of investments acquired and disposed of during the year, together

with a detailed statement of the annual rates of investment income from all assets and from each type of investment; an actuarial balance sheet prepared by means of the last valuation of the system, and such other data as the board shall deem necessary or desirable for a proper understanding of the condition of the system.

16. The board of trustees shall, after reasonable notice to all interested parties, conduct administrative hearings to hear and decide questions arising from the administration of sections 70.600 to 70.755; except, that such hearings may be conducted by a hearing officer who shall be appointed by the board. The hearing officer shall preside at the hearing and hear all evidence and rule on the admissibility of evidence. The hearing officer shall make recommended findings of fact and may make recommended conclusions of law to the board. All final orders or determinations or other final actions by the board shall be approved in writing by at least four members of the board. Any board member approving in writing any final order, determination or other final action, who did not attend the hearing, shall do so only after certifying that he or she reviewed all exhibits and read the entire transcript of the hearing. Within thirty days after a decision or order or final action of the board, any member, retiree, beneficiary or political subdivision adversely affected by that determination or order or final action may take an appeal under the provisions of chapter 536. Jurisdiction over any dispute regarding the interpretation of sections 70.600 to 70.755 and the determinations required thereunder shall lie in the circuit court of Cole County.

17. The board shall arrange for adequate surety bonds covering the executive secretary and any other custodian of the funds or investments of the board. When approved by the board, said bonds shall be deposited in the office of the secretary of state.

18. The board shall arrange for annual audits of the records and accounts of the system by a certified public accountant or by a firm of certified public accountants.

19. The headquarters of the retirement system shall be in Jefferson City.

20. The board of trustees shall serve as trustees without compensation for their services as such; except that each trustee shall be paid for any necessary expenses incurred in attending meetings of the board or in the performance of other duties authorized by the board.

21. Subject to the limitations of sections 70.600 to 70.755, the board shall formulate and adopt rules and regulations for the government of its own proceedings and for the administration of the retirement system.

70.610. Each political subdivision, by a majority vote of its governing body, may elect to become an employer and cover its employees under the system, as follows:

(1) The clerk or secretary of the political subdivision shall certify the election to be an employer to the board within ten days after the vote of the governing body. The effective date of the political subdivision's coverage is the first day of the calendar month next following receipt by the board of the election to be an employer, or the operative date of the system, whichever is the later.

(2) An employer must cover all its employees who are neither [policemen] **police officers** nor [firemen] **firefighters** and may cover its [policemen] **police officers** or [firemen] **firefighters** or both.

70.615. After October 13, 1967, a political subdivision shall not commence coverage of its employees who are neither [policemen] **police officers** nor [firemen] **firefighters** under another plan similar in purpose to this system, other than under this system, except the federal Social Security Old Age, Survivors, and Disability Insurance Program, as amended; except that, any political corporation or subdivision of this state, now having or which may hereafter have an assessed valuation of one hundred million dollars or more, which does not now have a pension system for its officers and employees adopted pursuant to state law, may provide by proper legislative action of its governing body for the pensioning of its officers and employees and the widows and minor children of deceased officers and employees under a plan separate and apart from that provided in sections 70.600 to 70.670 and appropriate and utilize its revenues and other available funds for such purposes, and except that the board of hospital trustees of any hospital which is owned by any political corporation or subdivision of this state, may provide for the pensioning of its employees and the widows and minor children of deceased employees under a plan separate and apart from that provided in sections 70.600 to 70.670, and utilize its revenues and other funds for such purposes.

70.630. 1. The membership of the system shall include the following persons:

(1) All employees who are neither [policemen] **police officers** nor [firemen] **firefighters** who are in the employ of a political subdivision the day preceding the date such political subdivision becomes an employer and who continue in such employ on and after such date shall become members of the system.

(2) All persons who become employed by a political subdivision as neither [policemen] **police officers** nor [firemen] **firefighters** on or after the date such political subdivision becomes an employer shall become members of the system.

(3) If his **or her** employing political subdivision has elected to cover present and future [policemen] **police officers**, all [policemen] **police officers** who are in the employ of a political subdivision the day preceding the date such political subdivision covers [policemen] **police officers** hereunder and who continue in such employ as a [policeman] **police officer** on and after such date, and all persons who become employed by a political subdivision as a [policeman] **police officer** on or after the date the political subdivision covers [policemen] **police officers** shall become members of the system.

(4) If his **or her** employing political subdivision has elected to cover only future [policemen] police officers, all persons who become employed by a political subdivision as a [policeman] police officer on or after the date such political subdivision covers [policemen] **police officers** hereunder shall become members of the system.

(5) If his **or her** employing political subdivision has elected to cover present and future [firemen] **firefighters**, all [firemen] **firefighters** who are in the employ of a political subdivision the day preceding the date such political subdivision covers [firemen] **firefighters** hereunder and who continue in such employ as a [fireman] **firefighter** on and after such date, and all persons who become employed by a political subdivision as a [fireman] **firefighter** on or after the date the political subdivision covers [firemen] **firefighters** hereunder shall become members of the system.

(6) If his **or her** employing political subdivision has elected to cover only future [firemen] **firefighters**, all persons who become employed by a political subdivision as a [fireman] **firefighter** on or after the date such political subdivision covers [firemen] **firefighters** hereunder shall become members of the system.

2. In no event shall an employee become a member if continuous employment to time of retirement will leave the employee with less than minimum number of years of credited service specified in section 70.645.

3. In any case of question as to the system membership status of any person, the board shall decide the question."; and

Further amend said bill, Page 4, Section 70.631, Lines 2, 4 and 14, by deleting the word, "**policemen**" and inserting in lieu thereof the words, "**police officer**"; and

Further amend said bill, Page 4, Section 70.631, Lines 3, 5 and 15, by deleting the word, "**firemen**" and inserting in lieu thereof the word, "**firefighter**"; and

Further amend said bill, Page 5, Section 70.631, Line 20, by inserting after all of said line the following:

"70.730. 1. Each employer's contributions to the system shall be the total of the contribution amounts provided for in subsections 2 through 5 of this section; provided, that such contributions shall be subject to the provisions of subsection 6 of this section.

2. An employer's normal cost contributions shall be determined as follows: using the financial assumptions adopted by the board from time to time, the actuary shall annually compute the rate of contributions which, if paid annually by each employer during the total service of its members, will be sufficient to provide the pension reserves required at the time of their retirements to cover the pensions to which they might be entitled or which might be payable on their behalf. The board shall annually certify to the governing body of each employer the amount of membership service contribution so determined, and each employer shall pay such amount to the system during the employer's next fiscal year which begins six months or more after the date of such board certification. Such payments shall be made in such manner and form and in such frequency and shall be accompanied by such supporting data as the board shall from time to time determine. When received, such payments shall be credited to the employer's account in the employer accumulation fund.

3. An employer's accrued service contributions shall be determined as follows: using the financial assumptions adopted by the board from time to time, the actuary shall annually compute for each employer the portions of pension reserves for pensions which will not be provided by future normal cost contributions. The accrued service pension reserves so determined for each employer less the employer's applicable balance in the employer accumulation fund shall be amortized over a period of years, as determined by the board. Such period of years shall not extend beyond the latest of (1) forty years from the date the political subdivision became an employer, or (2) thirty years from the date the employer last elected to increase its optional benefit program, or (3) fifteen years from the date of the annual actuarial computation. The board shall annually certify to the governing body of each employer the amount of accrued service contribution so determined for the employer, and each

employer shall pay such amount to the system during the employer's next fiscal year which begins six months or more after the date of such board certification. Such payments shall be made in such manner and form and in such frequency and shall be accompanied by such supporting data as the board shall from time to time determine. When received, such payments shall be credited to the employer's account in the employer accumulation fund.

4. The employer's contributions for the portions of disability pensions or pensions that result from a member's death that was the natural and proximate result of a personal injury or disease arising out of and in the course of his or her actual performance of duty as an employee not covered by accrued service pension reserves shall be determined on a one-year term basis. The board may determine different rates of contributions for employers having [policeman] **police officer** members or having [fireman] **firefighter** members or having neither [policeman] **police officer** members nor [fireman] **firefighter** members. The board shall annually certify to the governing body of each employer the amount of contribution so ascertained for the employer, and each employer shall pay such amount to the system during the employer's next fiscal year which begins six months or more after the date of such board certification. Such payments shall be made in such manner and form and in such frequency and shall be accompanied by such supporting data as the board shall from time to time ascertain. When received, such payments shall be credited to the casualty reserve fund.

5. Each employer shall provide its share, as determined by the board, of the administrative expenses of the system and shall pay the same to the system to be credited to the income-expense fund.

6. The employer's total contribution to the system, expressed as a percent of active member compensations, in any employer fiscal year, beginning with the second fiscal year that the political subdivision is an employer, shall not exceed its total contributions for the immediately preceding fiscal year, expressed as a percent of active member compensations, by more than one percent.

86.200. The following words and phrases as used in sections 86.200 to 86.366, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Accumulated contributions", the sum of all mandatory contributions deducted from the compensation of a member and credited to the member's individual account, together with members' interest thereon;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of mortality tables and interest assumptions adopted by the board of trustees;

(3) "Average final compensation":

(a) With respect to a member who earns no creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last three years of creditable service as a police officer, or if the member has had less than three years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(b) With respect to a member who is not participating in the DROP pursuant to section 86.251 on October 1, 2001, who did not participate in the DROP at any time before such date, and who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a [policeman] **police officer**, or if the member has had less than two years of creditable service, then the average earnable compensation of the member's entire period of creditable service;

(c) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer for reasons other than death or disability before earning at least two years of creditable service after such return, the portion of the member's benefit attributable to creditable service earned before DROP entry shall be determined using average final compensation as defined in paragraph (a) of this subdivision; and the portion of the member's benefit attributable to creditable service earned after return to active participation in the system shall be determined using average final compensation as defined in paragraph (b) of this subdivision;

(d) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in the DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer after earning at least two years of creditable service after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision;

(e) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and whose employment as a police officer terminates due to death or disability after such

return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision; and

(f) With respect to the surviving spouse or surviving dependent child of a member who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a police officer or, if the member has had less than two years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(4) "Beneficiary", any person in receipt of a retirement allowance or other benefit;

(5) "Board of trustees", the board provided in sections 86.200 to 86.366 to administer the retirement system;

(6) "Creditable service", prior service plus membership service as provided in sections 86.200 to 86.366;

(7) "DROP", the deferred retirement option plan provided for in section 86.251;

(8) "Earnable compensation", the annual salary established under section 84.160 which a member would earn during one year on the basis of the member's rank or position plus any additional compensation for academic work and shift differential that may be provided by any official or board now or hereafter authorized by law to employ and manage a permanent police force in such cities. Such amount shall include the member's deferrals to a deferred compensation plan pursuant to Section 457 of the Internal Revenue Code or to a cafeteria plan pursuant to Section 125 of the Internal Revenue Code or, effective October 1, 2001, to a transportation fringe benefit program pursuant to Section 132(f)(4) of the Internal Revenue Code. Earnable compensation shall not include a member's additional compensation for overtime, standby time, court time, nonuniform time or unused vacation time.

Notwithstanding the foregoing, the earnable compensation taken into account under the plan established pursuant to sections 86.200 to 86.366 with respect to a member who is a noneligible participant, as defined in this subdivision, for any plan year beginning on or after October 1, 1996, shall not exceed the amount of compensation that may be taken into account under Section 401(a)(17) of the Internal Revenue Code, as adjusted for increases in the cost of living, for such plan year. For purposes of this subdivision, a "noneligible participant" is an individual who first becomes a member on or after the first day of the first plan year beginning after the earlier of:

(a) The last day of the plan year that includes August 28, 1995; or

(b) December 31, 1995;

(9) "Internal Revenue Code", the federal Internal Revenue Code of 1986, as amended;

(10) "Mandatory contributions", the contributions required to be deducted from the salary of each member who is not participating in DROP in accordance with section 86.320;

(11) "Medical board", the health care organization appointed by the trustees of the police retirement board and responsible for arranging and passing upon all medical examinations required under the provisions of sections 86.200 to 86.366, which shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations;

(12) "Member", a member of the retirement system as defined by sections 86.200 to 86.366;

(13) "Members' interest", interest on accumulated contributions at such rate as may be set from time to time by the board of trustees;

(14) "Membership service", service as a [policeman] **police officer** rendered since last becoming 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] **police officer**, in which case "membership service" means service as a [policeman] **police officer** rendered since last becoming a member prior to entering such armed service;

(15) "Plan year" or "limitation year", the twelve consecutive-month period beginning each October first and ending each September thirtieth;

(16) "Policeman" or "police officer", any member of the police force of such cities who holds a rank in such police force;

(17) "Prior service", all service as a [policeman] **police officer** rendered prior to the date the system becomes operative or prior to membership service which is creditable in accordance with the provisions of sections 86.200 to 86.366;

(18) "Reserve officer", any member of the police reserve force of such cities, armed or unarmed, who works less than full time, without compensation, and who, by his or her assigned function or as implied by his or her uniform, performs duties associated with those of a police officer and who currently receives a service retirement as provided by sections 86.200 to 86.366;

(19) "Retirement allowance", annual payments for life as provided by sections 86.200 to 86.366 which shall be payable in equal monthly installments or any benefits in lieu thereof granted to a member upon termination of employment as a police officer and actual retirement;

(20) "Retirement system", the police retirement system of the cities as defined in sections 86.200 to 86.366;

(21) "Surviving spouse", the surviving spouse of a member who was the member's spouse at the time of the member's death."; and

Further amend said bill, Page 5, Section 86.207, Lines 21 and 22, by deleting the word, "**policemen**" and inserting in lieu thereof the word, "[policemen] **police officers**"; and

Further amend said bill, Page 5, Section 86.207, Lines 29, 33 and 48, by deleting the word, "policeman" and inserting in lieu thereof the word, "[policeman] **police officer**"; and

Further amend said bill, Page 6, Section 86.207, Line 55, by inserting after all of said line the following:

"86.210. 1. Under such rules and regulations as the board of trustees shall adopt, each member who was a [policeman] **police officer** on and prior to the date the retirement system becomes operative and who becomes a member within one year from such date and each member who was a [policeman] **police officer** prior to reentering the service of the city as a [policeman] **police officer**, shall file a detailed statement of all service as a [policeman] **police officer** rendered by the member prior to the date the retirement system becomes operative or prior to the date of last becoming a member, for which the member claims credit. If such member has withdrawn the member's accumulated contributions prior to reentering said service, then the member shall repay all such accumulated contributions plus the applicable members' interest thereon from the date of withdrawal to the date of repayment in order to receive credit for such prior service.

2. The board of trustees shall fix and determine by proper rules and regulations how much service in any year is equivalent to one year of service, but in no case shall more than one year of service be creditable for all service in one calendar year, nor shall the board of trustees allow credit as service for any period of more than one month's duration during which the member was absent without pay.

3. Subject to the above restrictions and to such other rules and regulations as the board of trustees may adopt, the board of trustees shall verify the service claims as soon as practicable after the filing of such statement of service.

4. Upon verification of the statements of service the board of trustees shall issue prior service certificates, certifying to each member the length of prior service with which the member is credited on the basis of such member's statement of service. So long as the holder of such a certificate continues to be a member, a prior service certificate shall be final and conclusive for retirement purposes as to such service; provided, however, that any member may, within one year from the date of issuance or modification of such certificate, request the board of trustees to modify or correct such prior service certificate. When any [policeman] **police officer** ceases to be a member, the former member's prior service certificate shall become void. Should the former member again become a member, the former member shall enter the retirement system as a member not entitled to prior service credit except as provided in sections 86.200 to 86.366.

5. Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of the membership service rendered by the member since last becoming a member and also if the member has a prior service certificate which is in full force and effect, the amount of the service certified on such prior service certificate.

86.253. 1. Upon termination of employment as a police officer and actual retirement for service, a member shall receive a service retirement allowance which shall be an amount equal to two percent of the member's average final compensation multiplied by the number of years of the member's creditable service, up to twenty-five years, plus an amount equal to four percent of the member's average final compensation for each year of creditable service in excess of twenty-five years but not in excess of thirty years; plus an additional five percent of the member's average final compensation for any creditable service in excess of thirty years. Notwithstanding the foregoing, the service retirement allowance of a member who does not earn any creditable service after August 11, 1999, shall not exceed an amount equal to seventy percent of the member's average final compensation, and the service retirement allowance of a member who earns creditable service on or after August 12, 1999, shall not exceed an amount equal to seventy-five percent of the member's average final compensation; provided, however, that the service retirement allowance of a member who is participating in the DROP pursuant to section 86.251 on

August 12, 1999, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer and actually retires for reasons other than death or disability before earning at least two years of creditable service after such return shall be the sum of (1) the member's service retirement allowance as of the date the member entered DROP and (2) an additional service retirement allowance based solely on the creditable service earned by the member following the member's return to active participation. The member's total years of creditable service shall be taken into account for the purpose of determining whether the additional allowance attributable to such additional creditable service is two percent, four percent or five percent of the member's average final compensation.

2. If, at any time since first becoming a member of the retirement system, the member has served in the Armed Forces of the United States, and has subsequently been reinstated as a [policeman] **police officer** within ninety days after the member's discharge, the member shall be granted credit for such service as if the member's service in the police department of such city had not been interrupted by the member's induction into the Armed Forces of the United States. If earnable compensation is needed for such period in computation of benefits it shall be calculated on the basis of the compensation payable to the officers of the member's rank during the period of the member's absence. Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, the retirement system governed by sections 86.200 to 86.366 shall be operated and administered in accordance with the applicable provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended.

3. The service retirement allowance of each present and future retired member who terminated employment as a police officer and actually retired from service after attaining age fifty-five or after completing twenty years of creditable service shall be increased annually at a rate not to exceed three percent as approved by the board of trustees beginning with the first increase in the second October following the member's retirement and subsequent increases in each October thereafter, provided that each increase is subject to a determination by the board of trustees that the consumer price index (United States City Average Index) as published by the United States Department of Labor shows an increase of not less than the approved rate during the latest twelve-month period for which the index is available at the date of determination; and provided further, that if the increase is in excess of the approved rate for any year, such excess shall be accumulated as to any retired member and increases may be granted in subsequent years subject to a maximum of three percent for each full year from October following the member's retirement but not to exceed a total percentage increase of thirty percent. In no event shall the increase described under this subsection be applied to the amount, if any, paid to a member or surviving spouse of a deceased member for services as a special consultant under subsection 5 of this section or, if applicable, subsection 6 of this section. If the board of trustees determines that the index has decreased for any year, the benefits of any retired member that have been increased shall be decreased but not below the member's initial benefit. No annual increase shall be made of less than one percent and no decrease of less than three percent except that any decrease may be limited in amount by the initial benefit.

4. In addition to any other retirement allowance payable under this section and section 86.250, a member, upon termination of employment as police officer and actual service retirement, may request payment of the total amount of the member's mandatory contributions to the retirement system without interest. Upon receipt of such request, the board shall pay the retired member such total amount of the member's mandatory contributions to the retirement system to be paid pursuant to this subsection within sixty days after such retired member's date of termination of employment as a police officer and actual retirement.

5. Any person who is receiving retirement benefits from the retirement system, upon application to the board of trustees, shall be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters, for the remainder of the person's life or, in the case of a deceased member's surviving spouse, until the earlier of the person's death or remarriage, and upon request of the board of trustees shall give opinions and be available to give opinions in writing or orally, in response to such requests, as may be required. For such services the special consultant shall be compensated monthly, in an amount which, when added to any monthly retirement benefits being received from the retirement system, including any cost-of-living increases under subsection 3 of this section, shall total six hundred fifty dollars a month. This employment shall in no way affect any person's eligibility for retirement benefits under this chapter, or in any way have the effect of reducing retirement benefits, notwithstanding any provisions of law to the contrary.

86.267. 1. Upon termination of employment as a police officer and actual retirement for accidental disability, other than permanent total disability as defined in subsection 2, a member shall receive a retirement allowance of seventy-five percent of the member's average final compensation.

2. Any member who, as the natural and proximate result of an accident occurring at some definite time and place in the actual performance of the member's duty through no negligence on the member's part, is permanently and totally incapacitated from performing any work, occupation or vocation of any kind whatsoever shall receive a retirement allowance as under subsection 1 or, in the discretion of the board of trustees, may receive a larger retirement allowance in an amount not exceeding the member's rate of compensation as a [policeman] **police officer** in effect as of the date the allowance begins.

3. The board of trustees, in its discretion, may, in addition to the allowance granted in accordance with the provisions of subsections 1 and 2, grant an allowance in an amount to be determined by the board of trustees, to provide such member with surgical, medical and hospital care reasonably required after retirement, which are the result and in consequence of the accident causing such disability.

4. Any person who is receiving benefits pursuant to subsection 2 of this section on or after August 28, 1997, and any person who is receiving benefits pursuant to subsection 1 of this section on or after October 1, 2001, and who made mandatory contributions to the retirement system, upon application to the board of trustees, shall be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters, and upon request of the board of trustees shall give opinions and be available to give opinions in writing or orally, in response to such requests, as may be required. For such services the retired member shall be paid a lump sum payment in an amount equal to the total amount of the member's mandatory contributions to the retirement system, without interest, within sixty days after approval of the retired member's application by the board of trustees.

86.290. Should a member cease to be a [policeman] **police officer** except by death or actual retirement, the member may request payment of the amount of the accumulated contributions standing to the credit of the member's individual account, including members' interest, in which event such amount shall be paid to the member not later than one year after the member ceases to be a [policeman] **police officer**. If the former member is reemployed as a [policeman] **police officer** before any portion of such former member's accumulated contributions is distributed, no distribution shall be made. If the former member is reemployed as a [policeman] **police officer** after a portion of the former member's accumulated contributions is distributed, the amount remaining shall also be distributed.

86.360. The board of trustees provided for by section 86.213 is hereby authorized to consolidate, combine and transfer funds provided by sections 86.010 to 86.193 with the funds provided by sections 86.200 to 86.366 in such a manner as will simplify the operations of the two systems. Separate records shall be maintained only to the extent necessary to determine and pay the benefits provided by sections 86.010 to 86.193 for those [policemen] **police officers** electing not to become members of the retirement system provided by sections 86.200 to 86.366. The board of trustees may accept the membership records of the older system in lieu of the requirements in section 86.210. The board of trustees may authorize the use of the same actuarial assumptions and interest rate in the calculation of the contributions by the cities for both systems and the accrued liability rate may be a combined rate for both systems."; and

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

Mr. Speaker: Your Committee on Pensions, to which was referred **HB 2416**, 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(6) be referred to the Select Committee on Financial Institutions and Taxation.

House Committee Amendment No. 1

AMEND House Bill No. 2416, Pages 1 and 2, Section 86.207, Lines 17 and 18, by deleting all of said lines and inserting in lieu thereof the following:

"between the said retirement plans; provided however, transfers completed [prior to January 1, 2016,] **within one year of becoming a police officer** shall occur without regard to the vesting requirements of the receiving plan"; and

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

House Committee Amendment No. 2

AMEND House Bill No. 2416, Page 1, Section A, Line 2, by inserting after all of said line the following:

"86.200. The following words and phrases as used in sections 86.200 to 86.366, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Accumulated contributions", the sum of all mandatory contributions deducted from the compensation of a member and credited to the member's individual account, together with members' interest thereon;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of mortality tables and interest assumptions adopted by the board of trustees;

(3) "Average final compensation":

(a) With respect to a member who earns no creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last three years of creditable service as a police officer, or if the member has had less than three years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(b) With respect to a member who is not participating in the DROP pursuant to section 86.251 on October 1, 2001, who did not participate in the DROP at any time before such date, and who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a [policeman] **police officer**, or if the member has had less than two years of creditable service, then the average earnable compensation of the member's entire period of creditable service;

(c) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer for reasons other than death or disability before earning at least two years of creditable service after such return, the portion of the member's benefit attributable to creditable service earned before DROP entry shall be determined using average final compensation as defined in paragraph (a) of this subdivision; and the portion of the member's benefit attributable to creditable service earned after return to active participation in the system shall be determined using average final compensation as defined in paragraph (b) of this subdivision;

(d) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in the DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer after earning at least two years of creditable service after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision;

(e) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and whose employment as a police officer terminates due to death or disability after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision; and

(f) With respect to the surviving spouse or surviving dependent child of a member who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a police officer or, if the member has had less than two years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(4) "Beneficiary", any person in receipt of a retirement allowance or other benefit;

(5) "Board of trustees", the board provided in sections 86.200 to 86.366 to administer the retirement system;

(6) "Creditable service", prior service plus membership service as provided in sections 86.200 to 86.366;

(7) "DROP", the deferred retirement option plan provided for in section 86.251;

(8) "Earnable compensation", the annual salary established under section 84.160 which a member would earn during one year on the basis of the member's rank or position plus any additional compensation for academic work and shift differential that may be provided by any official or board now or hereafter authorized by law to employ and manage a permanent police force in such cities. Such amount shall include the member's deferrals to a deferred compensation plan pursuant to Section 457 of the Internal Revenue Code or to a cafeteria plan pursuant to Section 125 of the Internal Revenue Code or, effective October 1, 2001, to a transportation fringe benefit program

pursuant to Section 132(f)(4) of the Internal Revenue Code. Earnable compensation shall not include a member's additional compensation for overtime, standby time, court time, nonuniform time or unused vacation time. Notwithstanding the foregoing, the earnable compensation taken into account under the plan established pursuant to sections 86.200 to 86.366 with respect to a member who is a noneligible participant, as defined in this subdivision, for any plan year beginning on or after October 1, 1996, shall not exceed the amount of compensation that may be taken into account under Section 401(a)(17) of the Internal Revenue Code, as adjusted for increases in the cost of living, for such plan year. For purposes of this subdivision, a "noneligible participant" is an individual who first becomes a member on or after the first day of the first plan year beginning after the earlier of:

- (a) The last day of the plan year that includes August 28, 1995; or
- (b) December 31, 1995;
- (9) "Internal Revenue Code", the federal Internal Revenue Code of 1986, as amended;
- (10) "Mandatory contributions", the contributions required to be deducted from the salary of each member who is not participating in DROP in accordance with section 86.320;
- (11) "Medical board", the health care organization appointed by the trustees of the police retirement board and responsible for arranging and passing upon all medical examinations required under the provisions of sections 86.200 to 86.366, which shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations;
- (12) "Member", a member of the retirement system as defined by sections 86.200 to 86.366;
- (13) "Members' interest", interest on accumulated contributions at such rate as may be set from time to time by the board of trustees;
- (14) "Membership service", service as a [policeman] **police officer** rendered since last becoming 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] **police officer**, in which case "membership service" means service as a [policeman] **police officer** rendered since last becoming a member prior to entering such armed service;
- (15) "Plan year" or "limitation year", the twelve consecutive-month period beginning each October first and ending each September thirtieth;
- (16) "Policeman" or "police officer", any member of the police force of such cities who holds a rank in such police force;
- (17) "Prior service", all service as a [policeman] **police officer** rendered prior to the date the system becomes operative or prior to membership service which is creditable in accordance with the provisions of sections 86.200 to 86.366;
- (18) "Reserve officer", any member of the police reserve force of such cities, armed or unarmed, who works less than full time, without compensation, and who, by his or her assigned function or as implied by his or her uniform, performs duties associated with those of a police officer and who currently receives a service retirement as provided by sections 86.200 to 86.366;
- (19) "Retirement allowance", annual payments for life as provided by sections 86.200 to 86.366 which shall be payable in equal monthly installments or any benefits in lieu thereof granted to a member upon termination of employment as a police officer and actual retirement;
- (20) "Retirement system", the police retirement system of the cities as defined in sections 86.200 to 86.366;
- (21) "Surviving spouse", the surviving spouse of a member who was the member's spouse at the time of the member's death."; and

Further amend said bill, Page 1, Section 86.207, Lines 1 and 2, by deleting the word, "**policemen**" and inserting in lieu thereof the word, "**police officers**"; and

Further amend said bill, Page 1 and 2, Section 86.207, Lines 9, 13 and 29, by deleting the word, "**policeman**" and inserting in lieu thereof the word, "**police officer**"; and

Further amend said bill, Page 2, Section 86.207, Line 36, by inserting after all of said line the following:

"86.210. 1. Under such rules and regulations as the board of trustees shall adopt, each member who was a [policeman] **police officer** on and prior to the date the retirement system becomes operative and who becomes a member within one year from such date and each member who was a [policeman] **police officer** prior to reentering the service of the city as a [policeman] **police officer**, shall file a detailed statement of all service as a [policeman] **police officer** rendered by the member prior to the date the retirement system becomes operative or prior to the date of last becoming a member, for which the member claims credit. If such member has withdrawn the member's accumulated contributions prior to reentering said service, then the member shall repay all such accumulated contributions plus the applicable members' interest thereon from the date of withdrawal to the date of repayment in order to receive credit for such prior service.

2. The board of trustees shall fix and determine by proper rules and regulations how much service in any year is equivalent to one year of service, but in no case shall more than one year of service be creditable for all service in one calendar year, nor shall the board of trustees allow credit as service for any period of more than one month's duration during which the member was absent without pay.

3. Subject to the above restrictions and to such other rules and regulations as the board of trustees may adopt, the board of trustees shall verify the service claims as soon as practicable after the filing of such statement of service.

4. Upon verification of the statements of service the board of trustees shall issue prior service certificates, certifying to each member the length of prior service with which the member is credited on the basis of such member's statement of service. So long as the holder of such a certificate continues to be a member, a prior service certificate shall be final and conclusive for retirement purposes as to such service; provided, however, that any member may, within one year from the date of issuance or modification of such certificate, request the board of trustees to modify or correct such prior service certificate. When any [policeman] **police officer** ceases to be a member, the former member's prior service certificate shall become void. Should the former member again become a member, the former member shall enter the retirement system as a member not entitled to prior service credit except as provided in sections 86.200 to 86.366.

5. Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of the membership service rendered by the member since last becoming a member and also if the member has a prior service certificate which is in full force and effect, the amount of the service certified on such prior service certificate.

86.253. 1. Upon termination of employment as a police officer and actual retirement for service, a member shall receive a service retirement allowance which shall be an amount equal to two percent of the member's average final compensation multiplied by the number of years of the member's creditable service, up to twenty-five years, plus an amount equal to four percent of the member's average final compensation for each year of creditable service in excess of twenty-five years but not in excess of thirty years; plus an additional five percent of the member's average final compensation for any creditable service in excess of thirty years. Notwithstanding the foregoing, the service retirement allowance of a member who does not earn any creditable service after August 11, 1999, shall not exceed an amount equal to seventy percent of the member's average final compensation, and the service retirement allowance of a member who earns creditable service on or after August 12, 1999, shall not exceed an amount equal to seventy-five percent of the member's average final compensation; provided, however, that the service retirement allowance of a member who is participating in the DROP pursuant to section 86.251 on August 12, 1999, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer and actually retires for reasons other than death or disability before earning at least two years of creditable service after such return shall be the sum of (1) the member's service retirement allowance as of the date the member entered DROP and (2) an additional service retirement allowance based solely on the creditable service earned by the member following the member's return to active participation. The member's total years of creditable service shall be taken into account for the purpose of determining whether the additional allowance attributable to such additional creditable service is two percent, four percent or five percent of the member's average final compensation.

2. If, at any time since first becoming a member of the retirement system, the member has served in the Armed Forces of the United States, and has subsequently been reinstated as a [policeman] **police officer** within ninety days after the member's discharge, the member shall be granted credit for such service as if the member's service in the police department of such city had not been interrupted by the member's induction into the Armed Forces of the United States. If earnable compensation is needed for such period in computation of benefits it shall be calculated on the basis of the compensation payable to the officers of the member's rank during the period of the

member's absence. Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, the retirement system governed by sections 86.200 to 86.366 shall be operated and administered in accordance with the applicable provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended.

3. The service retirement allowance of each present and future retired member who terminated employment as a police officer and actually retired from service after attaining age fifty-five or after completing twenty years of creditable service shall be increased annually at a rate not to exceed three percent as approved by the board of trustees beginning with the first increase in the second October following the member's retirement and subsequent increases in each October thereafter, provided that each increase is subject to a determination by the board of trustees that the consumer price index (United States City Average Index) as published by the United States Department of Labor shows an increase of not less than the approved rate during the latest twelve-month period for which the index is available at the date of determination; and provided further, that if the increase is in excess of the approved rate for any year, such excess shall be accumulated as to any retired member and increases may be granted in subsequent years subject to a maximum of three percent for each full year from October following the member's retirement but not to exceed a total percentage increase of thirty percent. In no event shall the increase described under this subsection be applied to the amount, if any, paid to a member or surviving spouse of a deceased member for services as a special consultant under subsection 5 of this section or, if applicable, subsection 6 of this section. If the board of trustees determines that the index has decreased for any year, the benefits of any retired member that have been increased shall be decreased but not below the member's initial benefit. No annual increase shall be made of less than one percent and no decrease of less than three percent except that any decrease may be limited in amount by the initial benefit.

4. In addition to any other retirement allowance payable under this section and section 86.250, a member, upon termination of employment as police officer and actual service retirement, may request payment of the total amount of the member's mandatory contributions to the retirement system without interest. Upon receipt of such request, the board shall pay the retired member such total amount of the member's mandatory contributions to the retirement system to be paid pursuant to this subsection within sixty days after such retired member's date of termination of employment as a police officer and actual retirement.

5. Any person who is receiving retirement benefits from the retirement system, upon application to the board of trustees, shall be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters, for the remainder of the person's life or, in the case of a deceased member's surviving spouse, until the earlier of the person's death or remarriage, and upon request of the board of trustees shall give opinions and be available to give opinions in writing or orally, in response to such requests, as may be required. For such services the special consultant shall be compensated monthly, in an amount which, when added to any monthly retirement benefits being received from the retirement system, including any cost-of-living increases under subsection 3 of this section, shall total six hundred fifty dollars a month. This employment shall in no way affect any person's eligibility for retirement benefits under this chapter, or in any way have the effect of reducing retirement benefits, notwithstanding any provisions of law to the contrary.

86.267. 1. Upon termination of employment as a police officer and actual retirement for accidental disability, other than permanent total disability as defined in subsection 2, a member shall receive a retirement allowance of seventy-five percent of the member's average final compensation.

2. Any member who, as the natural and proximate result of an accident occurring at some definite time and place in the actual performance of the member's duty through no negligence on the member's part, is permanently and totally incapacitated from performing any work, occupation or vocation of any kind whatsoever shall receive a retirement allowance as under subsection 1 or, in the discretion of the board of trustees, may receive a larger retirement allowance in an amount not exceeding the member's rate of compensation as a [policeman] **police officer** in effect as of the date the allowance begins.

3. The board of trustees, in its discretion, may, in addition to the allowance granted in accordance with the provisions of subsections 1 and 2, grant an allowance in an amount to be determined by the board of trustees, to provide such member with surgical, medical and hospital care reasonably required after retirement, which are the result and in consequence of the accident causing such disability.

4. Any person who is receiving benefits pursuant to subsection 2 of this section on or after August 28, 1997, and any person who is receiving benefits pursuant to subsection 1 of this section on or after October 1, 2001, and who made mandatory contributions to the retirement system, upon application to the board of trustees, shall be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of

retirement, aging and other matters, and upon request of the board of trustees shall give opinions and be available to give opinions in writing or orally, in response to such requests, as may be required. For such services the retired member shall be paid a lump sum payment in an amount equal to the total amount of the member's mandatory contributions to the retirement system, without interest, within sixty days after approval of the retired member's application by the board of trustees.

86.290. Should a member cease to be a [policeman] **police officer** except by death or actual retirement, the member may request payment of the amount of the accumulated contributions standing to the credit of the member's individual account, including members' interest, in which event such amount shall be paid to the member not later than one year after the member ceases to be a [policeman] **police officer**. If the former member is reemployed as a [policeman] **police officer** before any portion of such former member's accumulated contributions is distributed, no distribution shall be made. If the former member is reemployed as a [policeman] **police officer** after a portion of the former member's accumulated contributions is distributed, the amount remaining shall also be distributed.

86.360. The board of trustees provided for by section 86.213 is hereby authorized to consolidate, combine and transfer funds provided by sections 86.010 to 86.193 with the funds provided by sections 86.200 to 86.366 in such a manner as will simplify the operations of the two systems. Separate records shall be maintained only to the extent necessary to determine and pay the benefits provided by sections 86.010 to 86.193 for those [policemen] **police officers** electing not to become members of the retirement system provided by sections 86.200 to 86.366. The board of trustees may accept the membership records of the older system in lieu of the requirements in section 86.210. The board of trustees may authorize the use of the same actuarial assumptions and interest rate in the calculation of the contributions by the cities for both systems and the accrued liability rate may be a combined rate for both systems."; and

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

Mr. Speaker: Your Committee on Pensions, to which was referred **SB 639**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(6) be referred to the Select Committee on Financial Institutions and Taxation.

Committee on Professional Registration and Licensing, Chairman Burlison reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 2027**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(7) be referred to the Select Committee on General Laws.

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 2461**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(7) be referred to the Select Committee on General Laws.

Committee on Public Safety and Emergency Preparedness, Chairman Rhoads reporting:

Mr. Speaker: Your Committee on Public Safety and Emergency Preparedness, to which was referred **SS SB 732**, 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(13) be referred to the Select Committee on State and Local Governments.

House Committee Amendment No. 1

AMEND Senate Substitute for Senate Bill No. 732, Page 5, Section 44.032, Line 107, by inserting after all of said line and section the following:

"190.102. 1. The department shall designate through regulation EMS regions and committees. The purpose of the regional EMS advisory committees is to advise and make recommendations to the region and the department on:

- (1) Coordination of emergency resources in the region;
- (2) Improvement of public and professional education;
- (3) Cooperative research endeavors;
- (4) Development of standards, protocols and policies; [and]
- (5) Voluntary multiagency quality improvement committee and process; **and**

(6) Development, review, and recommendation for action to be taken on community and regional time critical diagnosis plans.

2. The members of the committees shall serve without compensation except that the department of health and senior services shall budget for reasonable travel expenses and meeting expenses related to the functions of the committees.

3. The director will appoint personnel to no less than six regional EMS committees from recommendations provided by recognized professional organizations. Appointments will be for four years with individuals serving until reappointed or replaced. **The regional EMS medical director shall serve as a member of the regional EMS committee.**

190.103. 1. One physician with expertise in emergency medical services from each of the EMS regions shall be elected by that region's EMS medical directors to serve as a regional EMS medical director. The regional EMS medical directors shall constitute the state EMS medical director's advisory committee and shall advise the department and their region's ambulance services on matters relating to medical control and medical direction in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. **The regional EMS medical director shall serve a term of four years. The southwest, northwest, and Kansas City regional EMS medical directors shall be elected to an initial two-year term. The central, east central, and southeast regional EMS medical directors shall be elected to an initial four-year term. All subsequent terms following the initial terms shall be four years.**

2. A medical director is required for all ambulance services and emergency medical response agencies that provide: advanced life support services; basic life support services utilizing medications or providing assistance with patients' medications; or basic life support services performing invasive procedures including invasive airway procedures. The medical director shall provide medical direction to these services and agencies in these instances.

3. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall have the responsibility and the authority to ensure that the personnel working under their supervision are able to provide care meeting established standards of care with consideration for state and national standards as well as local area needs and resources. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall establish and develop triage, treatment and transport protocols, which may include authorization for standing orders.

4. All ambulance services and emergency medical response agencies that are required to have a medical director shall establish an agreement between the service or agency and their medical director. The agreement will include the roles, responsibilities and authority of the medical director beyond what is granted in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. The agreement shall also include grievance procedures regarding the emergency medical response agency or ambulance service, personnel and the medical director.

190.144. No emergency medical technician licensed under sections 190.142 or 190.143, if acting in good faith and without gross negligence, shall be liable for:

(1) Transporting a person for whom an application for detention for evaluation and treatment has been filed under section 631.115 or 632.305; or

(2) Physically or chemically restraining an at-risk behavioral health patient as that term is defined under section 190.240 if such restraint is to ensure the safety of the patient or technician.

190.165. 1. The department may refuse to issue or deny renewal of any certificate, permit or license required pursuant to sections 190.100 to 190.245 for failure to comply with the provisions of sections 190.100 to 190.245 or any lawful regulations promulgated by the department to implement its provisions as described in subsection 2 of this section. The department shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate, permit or license required by sections 190.100 to 190.245 or any person who has failed to renew or has surrendered his or her certificate, permit or license for failure to comply with the provisions of sections 190.100 to 190.245 or any lawful regulations promulgated by the department to implement such sections. Those regulations shall be limited to the following:

(1) Use or unlawful possession of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any activity licensed or regulated by sections 190.100 to 190.245;

(2) Being finally adjudicated and found guilty, or having entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any activity licensed or regulated pursuant to sections 190.100 to 190.245, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate, permit or license issued pursuant to sections 190.100 to 190.245 or in obtaining permission to take any examination given or required pursuant to sections 190.100 to 190.245;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any activity licensed or regulated by sections 190.100 to 190.245;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 190.100 to 190.245, or of any lawful rule or regulation adopted by the department pursuant to sections 190.100 to 190.245;

(7) Impersonation of any person holding a certificate, permit or license or allowing any person to use his or her certificate, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any activity regulated by sections 190.100 to 190.245 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) For an individual being finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any activity licensed or regulated by sections 190.100 to 190.245 who is not licensed and currently eligible to practice pursuant to sections 190.100 to 190.245;

(11) Issuance of a certificate, permit or license based upon a material mistake of fact;

(12) Violation of any [professional trust or confidence] **legally protected privacy rights of a patient by means of an unauthorized or unlawful disclosure;**

(13) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(14) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(15) Refusal of any applicant or licensee to [cooperate with the] **respond to reasonable** department of health and senior [services during any investigation] **services' requests for necessary information to process an application or to determine license status or license eligibility;**

(16) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health or **safety** of a patient or the public **as defined by applicable national standards;**

(17) Repeated **acts of negligence or recklessness** in the performance of the functions or duties of any activity licensed or regulated by sections 190.100 to 190.245.

3. **If the department conducts investigations, the department, prior to interviewing a licensee who is the subject of the investigation, shall explain to the licensee that he or she has the right to:**

- (1) Consult legal counsel or have legal counsel present;
- (2) Have anyone present whom he or she deems to be necessary or desirable; and
- (3) Refuse to answer any question or refuse to provide or sign any written statement.

The assertion of any right listed in this subsection shall not be deemed by the department to be a failure to cooperate with any department investigation.

4. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the department may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate or permit. **Notwithstanding any provision of law to the contrary, the department shall be authorized to impose a suspension or revocation as a disciplinary action only if it first files the requisite complaint with the administrative hearing commission. The commission shall not be permitted to grant summary decision in such instances if the licensee files an answer contesting the department's intended licensure action.**

[4.] 5. An individual whose license has been revoked shall wait one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the department after compliance with all the requirements of sections 190.100 to 190.245 relative to the licensing of an applicant for the first time. Any individual whose license has been revoked twice within a ten-year period shall not be eligible for relicensure.

[5.] 6. The department may notify the proper licensing authority of any other state in which the person whose license was suspended or revoked was also licensed of the suspension or revocation.

[6.] 7. Any person, organization, association or corporation who reports or provides information to the department pursuant to the provisions of sections 190.100 to 190.245 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

[7.] 8. The department of health and senior services may suspend any certificate, permit or license required pursuant to sections 190.100 to 190.245 simultaneously with the filing of the complaint with the administrative hearing commission as set forth in subsection 2 of this section, if the department finds that there is an imminent threat to the public health. The notice of suspension shall include the basis of the suspension and notice of the right to appeal such suspension. The licensee may appeal the decision to suspend the license, certificate or permit to the department. The appeal shall be filed within ten days from the date of the filing of the complaint. A hearing shall be conducted by the department within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.

190.173. 1. All complaints, investigatory reports, and information pertaining to any applicant; holder of any certificate, permit, or license; or other individual are confidential and shall only be disclosed upon written consent of the person whose records are involved or to other administrative or law enforcement agencies acting with the scope of their statutory authority. However, no applicant; holder of any certificate, permit, or license; or other individual shall have access to any complaints, investigatory reports, or information concerning an investigation in progress until such time as the investigation has been completed as required by subsection 1 of section 190.248.

2. Any information regarding the identity, name, address, license, final disciplinary action taken, or currency of the license of the person possessing a license in accordance with sections 190.100 to 190.245, of any applicant shall not be confidential.

3. This section shall not be construed to authorize the release of records, reports, or other information that may be held in department files for any holder of any certificate, permit, or license, or applicant which is subject to other specific state or federal laws concerning their disclosure.

190.240. 1. Any hospital licensed under chapter 197 or any nursing home facility licensed under chapter 198 shall have policies and procedures that require the hospital or facility to give advance notification to emergency medical services personnel prior to the transportation of any at-risk behavioral health patient.

2. Any emergency medical services personnel licensed under this chapter who conducts interfacility transfers of at-risk behavioral health patients may be properly trained as determined by the ambulance services and emergency medical response agency medical director, established under section 190.103, with

regard to proper restraining procedures and nonmedical management techniques, such as verbal de-escalation techniques, to handle such patients before their transportation.

3. Any physician treating an at-risk behavioral patient in an emergency situation who, after assessing the patient, determines that there is a reasonable cause to believe there is a likelihood that the patient may cause an imminent serious harm to himself, herself, or others unless the patient is immediately transported to another appropriate facility may place the patient on a temporary involuntary hold for a period of time necessary to effectuate the patient's transport. During the transport, the emergency medical services personnel may rely on the physician's hold order as a basis for implied consent to treat and transport the patient and shall not be liable for any claims of negligence, false imprisonment, or invasion of privacy based on such temporary hold, treatment, or transport of the patient.

4. Nothing in this section shall be construed to limit the patient's rights under the federal Mental Health Patient's Bill of Rights under 42 U.S.C. Section 9501(1)(A) and (F).

5. For the purposes of this section, "at-risk behavioral health patient" shall mean any patient who displays violent, homicidal, or suicidal ideation or behavior."; and

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

House Committee Amendment No. 2

AMEND Senate Substitute for Senate Bill No. 732, Page 5, Section 44.032, Line 107, by inserting immediately after all of said section and line the following:

"84.720. 1. The police commissioners of any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county shall have power to regulate and license all private security personnel and organizations, serving or acting as such in such cities, and no person or organization shall act in the capacity of, or provide, security services in such cities without first having obtained the written license of the president or acting president of the police commissioners of such cities. In order to determine an individual's suitability to be licensed, the police commissioners of such cities shall require each applicant to be licensed to be fingerprinted and shall forward the fingerprints to the Missouri state highway patrol for a criminal history record check. Any person or organization that violates the provisions of this section is guilty of a class B misdemeanor.

2. Any individual who is a holder of an occupational license issued by the Missouri gaming commission as defined under section 313.800 to perform the duties of an unarmed security guard while working on an excursion gambling boat as defined under section 313.800 or at a facility adjacent to an excursion gambling boat shall be exempt from the requirements of subsection 1 of this section and from any other political subdivision licensing requirements for unarmed security guards."; and

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

Committee on Veterans, Chairman Davis reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 2464**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(12) be referred to the Select Committee on Social Services.

Mr. Speaker: Your Committee on Veterans, to which was referred **SCS SB 814**, 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(12) be referred to the Select Committee on Social Services.

House Committee Amendment No. 1

AMEND Senate Committee Substitute for Senate Bill No. 814, Page 1, Section 143.174, Line 1, by deleting the words "**For purposes**" and inserting in lieu thereof the words "**For all tax years beginning on or after January 1, 2017, for purposes**"; and

Further amend said bill, page and section, Line 5, by inserting after the word "**States**" the following:

", **and to the extent that such income is included in the federal adjusted gross income,**"; and

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

Select Committee on Commerce, Chairman Zerr reporting:

Mr. Speaker: Your Select Committee on Commerce, to which was referred **HB 1617**, 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 Commerce, to which was referred **HB 1927**, **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 Social Services, Chairman Allen reporting:

Mr. Speaker: Your Select Committee on Social Services, to which was referred **SB 677**, **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**.

The following member's presence was noted: English.

ADJOURNMENT

On motion of Representative Cierpiot, the House adjourned until 10:00 a.m., Wednesday, April 6, 2016.

COMMITTEE HEARINGS

APPROPRIATIONS - AGRICULTURE, CONSERVATION, AND NATURAL RESOURCES

Thursday, April 7, 2016, 8:30 AM, House Hearing Room 5.

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

Informational meeting with Department of Natural Resources.

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, April 7, 2016, 8:00 AM, House Hearing Room 3.

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

Update from Department of Social Services on implementation of third party verification and MEDES.

Testimony from Department of Social Services on Mo HealthNet cost containment measures.

CIVIL AND CRIMINAL PROCEEDINGS

Wednesday, April 6, 2016, 12:00 PM or Upon Conclusion of Morning Session (whichever is later), House Hearing Room 1.

Public hearing will be held: HB 2105, HB 2106, HB 2236, HB 2458, HB 2618

Executive session will be held: HB 1641, HB 1629, HB 1765, HB 1818, HB 2305, SCS SB 765, SS SCS SB 572

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

CONFERENCE COMMITTEE ON SS SCS HB 1979

Wednesday, April 6, 2016, 8:00 AM, House Hearing Room 2.

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

Discussion of Conference Committee Report on SS SCS HB 1979.

EMERGING ISSUES

Wednesday, April 6, 2016, Upon Conclusion of Morning Session, House Hearing Room 5.

Public hearing will be held: HB 1586, HB 2724, SB 573, SB 676

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

FISCAL REVIEW

Thursday, April 7, 2016, 9:15 AM, South Gallery.

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

Executive Session on any bill referred to the committee.

CORRECTED

HEALTH AND MENTAL HEALTH POLICY

Wednesday, April 6, 2016, Upon Conclusion of Morning Session, House Hearing Room 6.

Public hearing will be held: SS SB 621, SB 875, SB 581

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

HEALTH INSURANCE

Wednesday, April 6, 2016, 8:00 AM, House Hearing Room 4.

Public hearing will be held: SS SCS SBs 865 & 866, HB 2637

Executive session will be held: SS SB 608

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

JOINT COMMITTEE ON CHILD ABUSE AND NEGLECT

Wednesday, April 6, 2016, 8:30 AM, House Hearing Room 6.

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

The Children's Division will provide an overview on adoption programs, and also a presentation will be provided by the youth that created Bundles of Hope.

SELECT COMMITTEE ON AGRICULTURE

Thursday, April 7, 2016, 8:00 AM, South Gallery.

Executive session will be held: HB 2047, HB 2368, HB 2405, HB 2632, SS SCS SB 657, SB 664, SB 655

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

SELECT COMMITTEE ON BUDGET

Wednesday, April 6, 2016, 8:15 AM, House Hearing Room 3.

Executive session will be held: HB 2017, HB 2018

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

Annual Review of State Tax Credits.

SELECT COMMITTEE ON COMMERCE

Wednesday, April 6, 2016, 5:00 PM or Upon Conclusion of Afternoon Session, House Hearing Room 7.

Executive session will be held: SS SCS SB 919

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

SELECT COMMITTEE ON FINANCIAL INSTITUTIONS AND TAXATION

Thursday, April 7, 2016, 8:00 AM, House Hearing Room 7.

Executive session will be held: HB 1589, HB 1860, HB 2130, HB 2216, HB 2270, HB 2307, HB 2383, HB 2416, SB 639

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

AMENDED

SELECT COMMITTEE ON INSURANCE

Thursday, April 7, 2016, 9:00 AM, House Hearing Room 4.

Executive session will be held: HB 1552, HB 2218

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

SELECT COMMITTEE ON JUDICIARY

Wednesday, April 6, 2016, 5:00 PM or Upon Conclusion of Afternoon Session (whichever is later), House Hearing Room 1.

Executive session will be held: HB 1653, HB 1999, HB 2090, HB 2133, HB 2638

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

SELECT COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Wednesday, April 6, 2016, 5:00 PM or Upon Adjournment (whichever is later), House Hearing Room 4.

Public hearing will be held: HB 1741, HB 2630, HB 1940

Executive session will be held: HB 1940

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

SELECT COMMITTEE ON STATE AND LOCAL GOVERNMENTS

Thursday, April 7, 2016, 8:00 AM, House Hearing Room 1.

Executive session will be held: HB 1778, HB 2488, HB 2463

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

SPECIAL COMMITTEE ON URBAN ISSUES

Monday, April 11, 2016, 11:00 AM, House Hearing Room 3.

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

Meeting with Dr. Foley, Dr. Middleton, Dr. Azizan-Gardner, Dr. Stokes, and Dr. Adkins to discuss the current campus climate at Mizzou and throughout the UM System. Discussion regarding changing the perception of Mizzou from a minority perspective and what Dr. Middleton has done in his role as Vice Chancellor of diversity and the plans that they have at the system-wide and Mizzou levels to alleviate the diversity and inclusion issues in the system.

AMENDED

SPECIAL COMMITTEE ON URBAN ISSUES

Thursday, April 14, 2016, 9:00 AM, House Hearing Room 3.

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

Discussion regarding different corrections education policies with representatives from Innertainment Delivery Systems LLC.

TELECOMMUNICATIONS

Wednesday, April 6, 2016, 12:30 PM or 30 minutes after Conclusion of Morning Session (whichever is later), House Hearing Room 4.

Executive session will be held: HB 1814

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

TRADE AND TOURISM

Wednesday, April 13, 2016, 9:00 AM, House Hearing Room 1.

Public hearing will be held: HB 2481

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

UTILITY INFRASTRUCTURE

Wednesday, April 6, 2016, 8:00 AM, House Hearing Room 7.

Public hearing will be held: HB 2418

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

UTILITY INFRASTRUCTURE

Wednesday, April 6, 2016, 5:00 PM or Upon Conclusion of Afternoon Session (whichever is later), House Hearing Room 6.

Public hearing will be held: HB 2158

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

AMENDED

HOUSE CALENDAR

FORTY-EIGHTH DAY, WEDNESDAY, APRIL 6, 2016

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HCS HJR 56 - Burlison

HOUSE BILLS FOR PERFECTION

HCS HB 1995 - Cornejo

HB 1396 - McCreery

HB 1389 - King

HCS HB 1718 - Corlew

HCS HB 1756 - Bahr

HB 1534 - Flanigan

HB 1611 - Swan

HB 2322 - Rowden

HB 1965 - Zerr

HCS HB 2345 - Kolkmeier

HCS HB 2327 - Curtis

HCS HB 1465 - Burlison

HB 1754 - Bahr

HB 1816 - Koenig

HB 2028 - Hoskins

HCS HB 2496 - Fitzpatrick

HCS HB 1928 - Burlison

HCS HBs 2069 & 2371 - Franklin

HCS HB 1804 - Miller

HB 1427 - Sommer

HCS HB 1632 - Alferman

HCS HB 2150 - Wiemann

HCS HBs 2045 & 2316 - Morris

HCS HB 1428 - Sommer

HB 2243 - Cornejo

HCS HB 2388, with HA 1, pending - Fitzwater (144)

HCS HB 2038 - Curtman

HCS HB 1943 - Wood

HB 1811 - Hicks
HCS HB 2381 - Redmon
HCS HB 2272 - Andrews
HB 2217 - Morris
HCS HB 1858 - Mathews
HB 1962 - Conway (104)
HCS HB 2445 - Conway (104)
HCS HB 2135 - Rhoads
HB 2590 - Plocher
HCS HBs 2565 & 2564 - Montecillo
HB 2575 - Montecillo
HCS HB 2379 - Swan
HB 1468 - Burlison
HB 1951 - Spencer
HCS HB 2399 - Colona
HCS HB 1578 - Higdon
HB 1443 - Leara
HCS HB 2213 - Hinson
HB 2605, with HCA 1 - Lauer
HCS HB 1945 - Spencer
HCS HB 1605 - Kelley
HCS HB 1448 - Redmon

HOUSE BILLS FOR PERFECTION - INFORMAL

HB 1872 - Cookson
HB 2136 - Cookson
HB 2346 - Fitzpatrick
HB 1853 - Shumake

HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING

HCS HCR 94 - Hummel
HCR 79 - Korman
HCS HCR 60 - Love
HCR 99 - Hinson
HCS HCR 91 - Walton Gray
HCS HCR 57 - Burlison

HOUSE BILLS FOR THIRD READING

HCS HB 2330, (Fiscal Review 4/5/16) - Mathews
HCS HB 2376 - Hough
HCS HB 1757 - Hansen
HB 2331, (Fiscal Review 4/5/16) - Morris
HB 2242 - Cornejo

HOUSE BILLS FOR THIRD READING - INFORMAL

HCS HB 1738 - Brattin

HOUSE BILLS FOR THIRD READING - CONSENT

HB 2348 - Richardson

SENATE BILLS FOR THIRD READING

SS#2 SB 847 - McGaugh

SCS SB 591 - Corlew

HOUSE BILLS WITH SENATE AMENDMENTS

SCS HCS HB 2140, as amended (Fiscal Review 4/4/16) - Hoskins

BILLS IN CONFERENCE

SS SCS HB 1979, as amended - Rowden

SS SCS HB 2203, as amended - Barnes

VETOED HOUSE BILLS

SS HCS HB 1891 - Rehder

HOUSE RESOLUTIONS

HR 1103 - Richardson

ACTIONS PURSUANT TO ARTICLE IV, SECTION 27

SCS HCS HB 1 - Flanigan

CCS SCS HCS HB 2 - Flanigan

CCS SCS HCS HB 3 - Flanigan

CCS SCS HCS HB 4 - Flanigan

CCS SCS HCS HB 5 - Flanigan

CCS SCS HCS HB 6 - Flanigan

CCS SCS HCS HB 7 - Flanigan

CCS SCS HCS HB 8 - Flanigan

CCS SCS HCS HB 9 - Flanigan

CCS SCS HCS HB 10 - Flanigan

CCS SCS HCS HB 11 - Flanigan

CCS SS SCS HCS HB 12 - Flanigan

CCS SCS HCS HB 13 - Flanigan

SS SCS HCS HB 17 - Flanigan

SCS HCS HB 18 - Flanigan

SCS HCS HB 19 – Flanigan