

# JOURNAL OF THE HOUSE

Second Regular Session, 93rd GENERAL ASSEMBLY

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SIXTY-SEVENTH DAY, THURSDAY, MAY 4, 2006

The House met pursuant to adjournment.

Speaker Jetton in the Chair.

Prayer by Father Donald W. Lammers.

*Each year, the first Thursday of May is the National Day of Prayer.*

Let us pray.

“From Heaven the Lord looks down;  
He sees all mankind.  
From His fixed throne He beholds  
All who dwell on the Earth,  
He who fashioned the heart of each,  
He who knows all their works.”  
*Psalm 33:13-15*

Holy Lord, Almighty God, thank You for Your knowledge of and care for us. Today, in the midst of our work, we come together in mind and heart with millions of Americans. We come together simply to pray.

Please guide the leaders of our nation and all the nations involved that they may bring an end to terrorism and to all that leads to terrorism. Protect our armed forces and all who provide security for our land and our lives.

Guide us, that we may do our part, in finding a just solution to the problems of energy, its cost and supply. Help us fulfill our responsibilities to the poor, the disabled and the elderly. Show us how to do our part in respecting all human life.

Hold us together through our common faith that we are Your sons and daughters, that we may promote true justice, and protect the rights and freedom of all.

We pray to You our God, now and forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Nathaniel Golden, Amanda Jackson, Natalia Johnson, Evan Kolze, Ricky Lucious, Sarah Shaw, Daniel Graham, Drew Dielmann, Sam Picus, Michael Figenshau, Churie Michalski, Jeff Spreng, Marlo Hix, William Maxwell, Kimberly Maxwell, Dustin Jones, Kaylee Kirleis, Courtney Maddock, Matthew Moore, Brittney Rea and Ray Reeves.

The Journal of the sixty-sixth day was approved as corrected.

**HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

- House Resolution No. 3164  
through  
House Resolution No. 3169 - Representative Rector  
House Resolution No. 3170  
and  
House Resolution No. 3171 - Representative Jetton  
House Resolution No. 3172 - Representative Cooper (158)  
House Resolution No. 3173 - Representative Brown (30)  
House Resolution No. 3174 - Representative Denison  
House Resolution No. 3175  
through  
House Resolution No. 3182 - Representative Pratt  
House Resolution No. 3183 - Representative Rector  
House Resolution No. 3184  
and  
House Resolution No. 3185 - Representative Cunningham (145)  
House Resolution No. 3186 - Representative Kuessner  
House Resolution No. 3187 - Representative Wilson (130)  
House Resolution No. 3188 - Representative Franz  
House Resolution No. 3189  
through  
House Resolution No. 3193 - Representative Skaggs  
House Resolution No. 3194 - Representative Bowman  
House Resolution No. 3195  
and  
House Resolution No. 3196 - Representative Swinger  
House Resolution No. 3197 - Representative Fares  
House Resolution No. 3198 - Representative McGhee  
House Resolution No. 3199  
through  
House Resolution No. 3202 - Representative Roorda  
House Resolution No. 3203 - Representative Rector  
House Resolution No. 3204  
through  
House Resolution No. 3213 - Representative Day  
House Resolution No. 3214 - Representative Richard  
House Resolution No. 3215 - Representative Rector

Representative Dempsey suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 126

Aull	Avery	Baker 25	Baker 123	Bearden
Bivins	Bland	Bogetto	Bowman	Boykins
Bringer	Brooks	Brown 50	Bruns	Burnett
Casey	Chinn	Chappelle-Nadal	Cooper 120	Cooper 155
Cooper 158	Corcoran	Cunningham 145	Cunningham 86	Curls
Dake	Daus	Davis	Day	Deeken
Dempsey	Denison	Dixon	Donnelly	Dusenberg
El-Amin	Emery	Ervin	Faith	Fares
Frame	Franz	Fraser	Guest	Harris 110
Hobbs	Hoskins	Hughes	Hunter	Icet
Johnson 47	Jolly	Jones	Kingery	Kratky
Kuessner	Lager	Lampe	Lembke	LeVota
Liese	Lipke	Loehner	Low 39	Marsh
May	McGhee	Meadows	Meiners	Moore
Munzlinger	Muschany	Myers	Nance	Nolte
Oxford	Page	Parker	Parson	Pearce
Phillips	Pollock	Portwood	Pratt	Quinn
Rector	Richard	Robb	Robinson	Roorda
Rucker	Ruestman	Sander	Sater	Schad
Scharmhorst	Schlottach	Schneider	Schoemehl	Self
Silvey	Skaggs	Smith 150	St. Onge	Storch
Sutherland	Swinger	Tilley	Villa	Wagner
Wallace	Walton	Wasson	Wells	Weter
Whorton	Wilson 119	Wilson 130	Witte	Wood
Wright 159	Wright-Jones	Yaeger	Young	Zweifel
Mr Speaker				

NOES: 001

Vogt

PRESENT: 012

Darrough	Dougherty	George	Henke	Johnson 90
Kraus	Lowe 44	Shoemyer	Smith 14	Viebrock
Wildberger	Yates			

ABSENT WITH LEAVE: 023

Bean	Behnen	Black	Brown 30	Dethrow
Fisher	Flook	Harris 23	Haywood	Hubbard
Jackson	Johnson 61	Kelly	Nieves	Roark
Salva	Schaaf	Smith 118	Spreng	Stevenson
Threlkeld	Walsh	Wright 137		

VACANCIES: 001

### **SPECIAL RECOGNITION**

The Ninth Annual House Employee Appreciation Day was held and employees were recognized for their service. The Outstanding Employees of the Year were Sue Reynolds and Becky DeNeve.

Alexander Graham Bell, “Mr. Doorkeeper”, was introduced by Representative Moore and presented with a resolution.

### **THIRD READING OF SENATE BILL**

**HCS SS#2 SCS SBs 1014 & 730, as amended**, relating to election administration, was taken up by Representative Stevenson.

Representative Deeken offered **House Amendment No. 7**.

#### *House Amendment No. 7*

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 1014 & 730, Section 115.427, Page 15, Line 34, by inserting after all of said line the following:

**“(5) Personal identification of the voter by two supervising election judges, one from each major political party, shall be acceptable voter identification upon the completion of a secretary of state-approved affidavit that is signed by both supervisory election judges and the voter that attests to the personal knowledge of the voter by the two supervisory election judges. The secretary of state may provide by rule for a sample affidavit to be used for such purpose.”**; and

Further amend Section 115.427, Page 15, Line 57, by deleting from said line the word “provisional” and inserting in lieu thereof the word **“regular”**; and

Further amend said section, Page 15, Lines 57 through 61, by deleting all language on said lines after the word “ballot.” on Line 57; and

Further amend said section, Page 16, Line 80, by deleting the word “provisional” and inserting in lieu thereof the word **“regular”**; and

Further amend Page 16, Lines 82 through 89, by deleting all of said lines from the bill; and

Further amend Section 115.427, Page 18, Lines 151 through 155, by deleting all of said lines; and

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

Speaker Pro Tem Bearden assumed the Chair.

Representative Cooper (120) offered **House Substitute Amendment No. 1 for House Amendment No. 7**.

**House Substitute Amendment No. 1 for House Amendment No. 7** was withdrawn.

Representative Cooper (120) offered **House Amendment No. 1 to House Amendment No. 7**.

#### *House Amendment No. 1 to House Amendment No. 7*

AMEND House Amendment No. 7 to House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 1014 & 730, Page 1, Line 16, by inserting after all of said line the following:

“Further amend said bill, Section 115.427, Page 19, Line 183, by inserting after said line the following:

**“15. The provisions of subdivision 5 of subsection 1, subsection 3, and subsection 4 of this section shall expire December 1, 2006.”**; and

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

On motion of Representative Cooper (120), **House Amendment No. 1 to House Amendment No. 7** was adopted by the following vote:

AYES: 093

Avery	Baker 123	Bearden	Behnen	Bivins
Black	Bruns	Chinn	Cooper 120	Cooper 155
Cooper 158	Cunningham 145	Cunningham 86	Day	Deeken
Dempsey	Denison	Dethrow	Dixon	Dougherty
Emery	Ervin	Faith	Fares	Fisher
Flook	Franz	Guest	Hunter	Icet
Jackson	Johnson 47	Jones	Kelly	Kingery
Kraus	Lager	Lembke	Lipke	Loehner
Marsh	May	McGhee	Moore	Munzlinger
Muschany	Myers	Nance	Nieves	Nolte
Parker	Parson	Pearce	Phillips	Pollock
Portwood	Quinn	Rector	Richard	Roark
Robb	Ruestman	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schneider	Self
Silvey	Smith 14	Smith 118	Smith 150	Stevenson
St. Onge	Sutherland	Threlkeld	Tilley	Viebrock
Wagner	Wallace	Walsh	Wasson	Wells
Weter	Whorton	Wilson 119	Wilson 130	Wood
Wright 137	Wright 159	Mr Speaker		

NOES: 066

Aull	Baker 25	Bland	Bogetto	Bowman
Boykins	Bringer	Brooks	Brown 50	Burnett
Casey	Chappelle-Nadal	Corcoran	Curls	Dake
Darrough	Daus	Davis	Donnelly	Dusenberg
El-Amin	Frame	Fraser	George	Harris 23
Harris 110	Haywood	Henke	Hobbs	Hoskins
Hubbard	Hughes	Johnson 61	Johnson 90	Jolly
Kratky	Kuessner	Lampe	LeVota	Liese
Low 39	Lowe 44	Meadows	Meiners	Oxford
Page	Pratt	Robinson	Roorda	Rucker
Salva	Schoemehl	Shoemyer	Skaggs	Storch
Swinger	Villa	Vogt	Walton	Wildberger
Witte	Wright-Jones	Yaeger	Yates	Young
Zweifel				

PRESENT: 000

ABSENT WITH LEAVE: 003

Bean	Brown 30	Spreng
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VACANCIES: 001

Representative Dempsey moved the previous question.

Which motion was adopted by the following vote:

AYES: 092

Baker 123	Bearden	Behnen	Bivins	Black
Bruns	Chinn	Cooper 120	Cooper 155	Cooper 158
Cunningham 145	Cunningham 86	Davis	Day	Deeken
Dempsey	Denison	Dethrow	Dixon	Dusenberg
Emery	Ervin	Faith	Fares	Fisher
Flook	Franz	Guest	Hobbs	Hunter
Icet	Jackson	Johnson 47	Jones	Kelly
Kingery	Kraus	Lager	Lembke	Lipke
Loehner	Marsh	May	McGhee	Moore
Munzlinger	Muschany	Myers	Nance	Nieves
Nolte	Parker	Parson	Pearce	Phillips
Pollock	Portwood	Pratt	Quinn	Rector
Richard	Roark	Robb	Ruestman	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schneider	Self	Silvey	Smith 14	Smith 118
Smith 150	Stevenson	St. Onge	Sutherland	Threlkeld
Tilley	Viebrock	Wallace	Wells	Weter
Wilson 119	Wilson 130	Wood	Wright 137	Wright 159
Yates	Mr Speaker			

NOES: 061

Aull	Baker 25	Bogetto	Bowman	Boykins
Bringer	Brown 50	Burnett	Casey	Chappelle-Nadal
Corcoran	Curls	Dake	Darrough	Daus
Donnelly	El-Amin	Frame	Fraser	George
Harris 23	Harris 110	Haywood	Henke	Hoskins
Hubbard	Hughes	Johnson 61	Johnson 90	Jolly
Kratky	Kuessner	Lampe	LeVota	Liese
Low 39	Lowe 44	Meadows	Meiners	Oxford
Page	Robinson	Roorda	Rucker	Salva
Schoemehl	Shoemyer	Skaggs	Storch	Swinger
Villa	Vogt	Wagner	Walsh	Walton
Whorton	Wildberger	Witte	Yaeger	Young
Zweifel				

PRESENT: 002

Brooks                      Dougherty

ABSENT WITH LEAVE: 007

Avery	Bean	Bland	Brown 30	Spreng
Wasson	Wright-Jones			

VACANCIES: 001

Speaker Jetton resumed the Chair.

On motion of Representative Deeken, **House Amendment No. 7, as amended**, was adopted by the following vote:

AYES: 105

Aull	Avery	Baker 25	Bearden	Black
Bland	Bogetto	Bowman	Boykins	Bringer
Brooks	Brown 50	Bruns	Burnett	Casey
Chinn	Chappelle-Nadal	Cooper 120	Corcoran	Curls
Dake	Darrough	Daus	Day	Deeken
Dethrow	Donnelly	Dougherty	El-Amin	Ervin
Fares	Fisher	Flook	Frame	Franz
Fraser	George	Guest	Harris 23	Harris 110
Haywood	Henke	Hoskins	Hubbard	Hughes
Icet	Johnson 47	Johnson 90	Jolly	Jones
Kelly	Kratky	Kuessner	Lampe	LeVota
Liese	Loehner	Low 39	Lowe 44	McGhee
Meadows	Meiners	Moore	Munzlinger	Oxford
Page	Parker	Parson	Pearce	Pollock
Quinn	Robinson	Roorda	Rucker	Ruestman
Salva	Sander	Schad	Schlottach	Schneider
Schoemehl	Self	Shoemyer	Silvey	Skaggs
Smith 150	Storch	Swinger	Villa	Vogt
Wagner	Wallace	Walsh	Walton	Wells
Whorton	Wildberger	Wilson 119	Wilson 130	Witte
Wright 137	Wright-Jones	Yaeger	Young	Zweifel

NOES: 054

Baker 123	Behnen	Bivins	Cooper 155	Cooper 158
Cunningham 145	Cunningham 86	Davis	Dempsey	Denison
Dixon	Dusenberg	Emery	Faith	Hobbs
Hunter	Jackson	Johnson 61	Kingery	Kraus
Lager	Lembke	Lipke	Marsh	May
Muschany	Myers	Nance	Nieves	Nolte
Phillips	Portwood	Pratt	Rector	Richard
Roark	Robb	Sater	Schaaf	Scharnhorst
Smith 14	Smith 118	Stevenson	St. Onge	Sutherland
Threlkeld	Tilley	Viebrock	Wasson	Weter
Wood	Wright 159	Yates	Mr Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 003

Bean	Brown 30	Spreng
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VACANCIES: 001

Representative Dempsey moved the previous question.

Which motion was adopted by the following vote:

AYES: 091

Avery	Baker 123	Bearden	Behnen	Bivins
Black	Bruns	Chinn	Cooper 120	Cooper 155
Cooper 158	Cunningham 145	Cunningham 86	Davis	Day
Deeken	Dempsey	Denison	Dethrow	Dixon
Dusenberg	Emery	Ervin	Faith	Fares
Fisher	Flook	Guest	Hobbs	Hunter
Ice	Jackson	Johnson 47	Jones	Kelly
Kingery	Kraus	Lager	Lembke	Lipke
Loehner	Marsh	May	McGhee	Moore
Munzlinger	Muschany	Nance	Nieves	Nolte
Parker	Parson	Pearce	Phillips	Pollock
Portwood	Pratt	Quinn	Rector	Richard
Roark	Robb	Ruestman	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Self
Silvey	Smith 14	Smith 118	Smith 150	Stevenson
St. Onge	Sutherland	Threlkeld	Tilley	Viebrock
Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Wood	Wright 137	Wright 159	Yates
Mr Speaker				

NOES: 064

Aull	Baker 25	Bland	Bogetto	Bowman
Boykins	Bringer	Brooks	Brown 50	Burnett
Casey	Chappelle-Nadal	Corcoran	Curls	Dake
Darrough	Daus	Donnelly	Dougherty	El-Amin
Frame	Fraser	Harris 23	Harris 110	Haywood
Henke	Hoskins	Hubbard	Hughes	Johnson 61
Johnson 90	Jolly	Kratky	Kuessner	Lampe
LeVota	Liese	Low 39	Lowe 44	Meadows
Meiners	Oxford	Page	Robinson	Roorda
Rucker	Salva	Schoemehl	Shoemyer	Skaggs
Storch	Swinger	Villa	Vogt	Wagner
Walsh	Walton	Whorton	Wildberger	Witte
Wright-Jones	Yaeger	Young	Zweifel	

PRESENT: 000

ABSENT WITH LEAVE: 007

Bean	Brown 30	Franz	George	Myers
Schneider	Spreng			

VACANCIES: 001

On motion of Representative Stevenson, **HCS SS#2 SCS SBs 1014 & 730, as amended**, was adopted.



On motion of Representative Stevenson, **HCS SS#2 SCS SBs 1014 & 730, as amended**, was read the third time and passed by the following vote:

AYES: 094

Avery	Baker 123	Bearden	Behnen	Bivins
Black	Bruns	Chinn	Cooper 120	Cooper 155
Cooper 158	Cunningham 145	Cunningham 86	Davis	Day
Deeken	Dempsey	Denison	Dethrow	Dixon
Dusenberg	Emery	Ervin	Faith	Fares
Fisher	Flook	Franz	Guest	Hobbs
Hunter	Ice	Jackson	Johnson 47	Jones
Kelly	Kingery	Kraus	Lager	Lembke
Lipke	Loehner	Marsh	May	McGhee
Moore	Munzlinger	Muschany	Myers	Nance
Nieves	Nolte	Parker	Parson	Pearce
Phillips	Pollock	Portwood	Pratt	Quinn
Rector	Richard	Roark	Robb	Ruestman
Sander	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schneider	Self	Silvey	Smith 14
Smith 118	Smith 150	Stevenson	St. Onge	Sutherland
Threlkeld	Tilley	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wood
Wright 137	Wright 159	Yates	Mr Speaker	

NOES: 065

Aull	Baker 25	Bland	Bogetto	Bowman
Boykins	Bringer	Brooks	Brown 50	Burnett
Casey	Chappelle-Nadal	Corcoran	Curls	Dake
Darrough	Daus	Donnelly	Dougherty	El-Amin
Frame	Fraser	George	Harris 23	Harris 110
Haywood	Henke	Hoskins	Hubbard	Hughes
Johnson 61	Johnson 90	Jolly	Kratky	Kuessner
Lampe	LeVota	Liese	Low 39	Lowe 44
Meadows	Meiners	Oxford	Page	Robinson
Roorda	Rucker	Salva	Schoemehl	Shoemyer
Skaggs	Storch	Swinger	Villa	Vogt
Wagner	Walsh	Walton	Whorton	Wildberger
Witte	Wright-Jones	Yaeger	Young	Zweifel

PRESENT: 000

ABSENT WITH LEAVE: 003

Bean	Brown 30	Spreng
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VACANCIES: 001

Speaker Jetton declared the bill passed.

Representative Nieves assumed the Chair.

Representative Dempsey moved the previous question.

Which motion was adopted by the following vote:

AYES: 094

Avery	Baker 123	Bearden	Behnen	Bivins
Black	Bruns	Chinn	Cooper 120	Cooper 155
Cooper 158	Cunningham 145	Cunningham 86	Davis	Day
Deeken	Dempsey	Denison	Dethrow	Dixon
Dusenberg	Emery	Ervin	Faith	Fares
Fisher	Flook	Franz	Guest	Hobbs
Hunter	Iceet	Jackson	Johnson 47	Jones
Kelly	Kingery	Kraus	Lager	Lembke
Lipke	Loehner	Marsh	May	McGhee
Moore	Munzlinger	Muschany	Myers	Nance
Nieves	Nolte	Parker	Parson	Pearce
Phillips	Pollock	Portwood	Pratt	Quinn
Rector	Richard	Roark	Robb	Ruestman
Sander	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schneider	Self	Silvey	Smith 14
Smith 118	Smith 150	Stevenson	St. Onge	Sutherland
Threlkeld	Tilley	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wood
Wright 137	Wright 159	Yates	Mr Speaker	

NOES: 063

Aull	Baker 25	Bland	Bogetto	Bowman
Boykins	Bringer	Brooks	Brown 50	Burnett
Casey	Chappelle-Nadal	Corcoran	Curls	Dake
Darrough	Daus	Donnelly	El-Amin	Frame
Fraser	George	Harris 23	Harris 110	Haywood
Henke	Hoskins	Hubbard	Hughes	Johnson 61
Johnson 90	Jolly	Kratky	Kuessner	Lampe
LeVota	Liese	Low 39	Lowe 44	Meadows
Meiners	Oxford	Page	Robinson	Roorda
Rucker	Salva	Schoemehl	Shoemyer	Skaggs
Storch	Swinger	Villa	Vogt	Wagner
Walsh	Walton	Whorton	Wildberger	Witte
Yaeger	Young	Zweifel		

PRESENT: 001

Dougherty

ABSENT WITH LEAVE: 004

Bean	Brown 30	Spreng	Wright-Jones
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VACANCIES: 001

The emergency clause was adopted by the following vote:

AYES: 128

Aull	Avery	Baker 25	Baker 123	Bearden
Behnen	Bivins	Black	Bogetto	Brooks
Casey	Chinn	Chappelle-Nadal	Cooper 120	Cooper 155

Cooper 158	Corcoran	Cunningham 145	Cunningham 86	Darrough
Daus	Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dixon	Donnelly	Dusenberg
El-Amin	Emery	Ervin	Faith	Fares
Fisher	Flook	Frame	Franz	Guest
Harris 23	Harris 110	Haywood	Henke	Hobbs
Hunter	Icet	Jackson	Johnson 47	Johnson 90
Jones	Kelly	Kingery	Kratky	Kraus
Lager	Lampe	Lembke	Liese	Lipke
Loehner	Marsh	May	McGhee	Meadows
Meiners	Moore	Munzlinger	Muschany	Myers
Nance	Nieves	Nolte	Oxford	Page
Parker	Parson	Pearce	Phillips	Pollock
Portwood	Pratt	Quinn	Rector	Richard
Roark	Robb	Roorda	Rucker	Ruestman
Sander	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schneider	Schoemehl	Self	Silvey
Smith 14	Smith 118	Smith 150	Stevenson	St. Onge
Storch	Sutherland	Swinger	Threlkeld	Tilley
Viebrock	Wagner	Wallace	Walsh	Wasson
Wells	Weter	Wilson 119	Wilson 130	Witte
Wood	Wright 137	Wright 159	Yaeger	Yates
Young	Zweifel	Mr Speaker		

NOES: 030

Bland	Bowman	Boykins	Bringer	Brown 50
Burnett	Curls	Dake	Dougherty	Fraser
George	Hoskins	Hubbard	Hughes	Johnson 61
Jolly	Kuessner	LeVota	Low 39	Lowe 44
Robinson	Salva	Shoemyer	Skaggs	Villa
Vogt	Walton	Whorton	Wildberger	Wright-Jones

PRESENT: 000

ABSENT WITH LEAVE: 004

Bean	Brown 30	Bruns	Spreng
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VACANCIES: 001

On motion of Representative Dempsey, the House recessed until 2:00 p.m.

### **AFTERNOON SESSION**

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

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Nate Blanchard, Chelsea Byland, Andrew Klass, Tate Mattson, John Schenkle, Taylor Walter, Megan Hoyt, Conner Hetzler, Loren Puche, Maggie Schmidt, Bailey Schmidt, Parker Schenkel and Brianna Sorensen.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

- House Resolution No. 3216  
through  
House Resolution No. 3229 - Representative Jetton  
House Resolution No. 3230 - Representative Sander  
House Resolution No. 3231 - Representative Munzlinger  
House Resolution No. 3232 - Representative Wilson (130)  
House Resolution No. 3233 - Representative Nolte  
House Resolution No. 3234 - Representative Vogt  
House Resolution No. 3235  
through  
House Resolution No. 3248 - Representative LeVota  
House Resolution No. 3249 - Representative Fisher  
House Resolution No. 3250 - Representative Harris (23), et al.  
House Resolution No. 3251  
and  
House Resolution No. 3252 - Representative Roorda  
House Resolution No. 3253 - Representative Schad  
House Resolution No. 3254  
and  
House Resolution No. 3255 - Representative Lipke  
House Resolution No. 3256 - Representative Shoemyer  
House Resolution No. 3257  
and  
House Resolution No. 3258 - Representatives Shoemyer and Behnen  
House Resolution No. 3259 - Representative Threlkeld

### THIRD READING OF SENATE BILLS

**HCS SS SCS SBs 872, 754 & 669, as amended, with House Amendment No. 2, pending,** relating to safe operation of motor vehicles, was taken up by Representative St. Onge.

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

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

#### *House Amendment No. 3*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 872, 754 & 669, Section 304.022, Page 4, Line 17, by deleting the open bracket “[“ immediately after the number “3.”; and

Further amend said section, said page, Line 20, by deleting the closed bracket “]” after the number “4.”; and

Further amend said section, Page 5, Line 43, by deleting the open bracket “[“ immediately before the number “5.” and the closed bracket “]” immediately after the number “5.”; and

Further amend said line, by deleting the following:

“4.”; and

Further amend said line, by deleting the open bracket “[“ immediately after the word “in”; and

Further amend said line, by deleting the closed bracket “]” immediately after the number “4”; and

Further amend said line, by deleting the following:

“**subsection 3**”; and

Further amend said section, said page, Line 48, by inserting an open bracket “[“ immediately before the number “304.026” and a closed bracket “]” immediately after the number “304.026”; and

Further amend said line, by inserting immediately after the number “304.026” the following:

“**304.025**”; and

Further amend said section, Page 6, Line 60, by deleting the open bracket “[“ immediately before the number “6.” and the closed bracket “]” immediately after the number “6.”; and

Further amend said line, by deleting the following:

“5.”; and

Further amend said section, said page, Line 63, by deleting the open bracket “[“ immediately before the number “7.” and the closed bracket “]” immediately after the number “7.”; and

Further amend said line, by deleting the following:

“6.”; and

Further amend said substitute, Section 307.182, Page 15, Line 43, by inserting immediately after said line the following:

“565.024. 1. A person commits the crime of involuntary manslaughter in the first degree if he or she:

(1) Recklessly causes the death of another person; or

(2) While in an intoxicated condition operates a motor vehicle in this state and, when so operating, acts with criminal negligence to cause the death of any person; or

(3) While in an intoxicated condition operates a motor vehicle in this state, and, when so operating, acts with criminal negligence to:

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

(b) Cause the death of two or more persons; or

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

**(4) Operates a motor vehicle in violation of subsection 2 of section 304.022, RSMo, and when so operating, acts with criminal negligence to cause the death of any person authorized to operate an emergency vehicle, as defined in section 304.022, RSMo, while such person is in the performance of official duties.**

2. Involuntary manslaughter in the first degree under subdivision (1) or (2) of subsection 1 of this section is a class C felony. Involuntary manslaughter in the first degree under subdivision (3) of subsection 1 of this section is a class B felony. A second or subsequent violation of subdivision (3) of subsection 1 of this section is a class A felony. For any violation of subdivision (3) of subsection 1 of this section, the minimum prison term which the defendant must

serve shall be eighty-five percent of his or her sentence. **Any violation of subdivision (4) of subsection 1 of this section is a class B felony.**

3. A person commits the crime of involuntary manslaughter in the second degree if he acts with criminal negligence to cause the death of any person.

4. Involuntary manslaughter in the second degree is a class D felony.

565.060. 1. A person commits the crime of assault in the second degree if he:

(1) Attempts to kill or knowingly causes or attempts to cause serious physical injury to another person under the influence of sudden passion arising out of adequate cause; or

(2) Attempts to cause or knowingly causes physical injury to another person by means of a deadly weapon or dangerous instrument; or

(3) Recklessly causes serious physical injury to another person; or

(4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle in this state and, when so operating, acts with criminal negligence to cause physical injury to any other person than himself; or

(5) Recklessly causes physical injury to another person by means of discharge of a firearm; or

**(6) Operates a motor vehicle in violation of subsection 2 of section 304.022, RSMo, and when so operating, acts with criminal negligence to cause physical injury to any person authorized to operate an emergency vehicle, as defined in section 304.022, RSMo, while such person is in the performance of official duties.**

2. The defendant shall have the burden of injecting the issue of influence of sudden passion arising from adequate cause under subdivision (1) of subsection 1 of this section.

3. Assault in the second degree is a class C felony.”; and

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

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

Representative Johnson (90) offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 872, 754 & 669, Page 15, Section 307.182, Line 43, by inserting after said line the following:

“577.020. 1. **Sections 577.020 and 577.021 shall be known as the Alan Woods Law.**

2. Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent to, subject to the provisions of sections 577.020 to 577.041, a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:

(1) If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(2) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(3) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the state, or any political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent or greater;

(4) If the person is under the age of twenty-one, has been stopped at a sobriety checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent or greater;

(5) If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or a readily apparent serious physical injury as defined in section 565.002, RSMo, [and] or has been arrested as evidenced by the issuance of a uniform traffic ticket for the violation of any state law or county or municipal

ordinance with the exception of equipment violations contained in chapter 306, RSMo, or similar provisions contained in county or municipal ordinances; or

(6) If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or serious physical injury as defined in section 565.002, RSMo.

The test shall be administered at the direction of the law enforcement officer whenever the person has been arrested or stopped for any reason.

[2.] 3. The implied consent to submit to the chemical tests listed in subsection [1] 2 of this section shall be limited to not more than two such tests arising from the same arrest, incident or charge.

[3.] 4. Chemical analysis of the person's breath, blood, saliva, or urine to be considered valid pursuant to the provisions of sections 577.020 to 577.041 shall be performed according to methods approved by the state department of health and senior services by licensed medical personnel or by a person possessing a valid permit issued by the state department of health and senior services for this purpose.

[4.] 5. The state department of health and senior services shall approve satisfactory techniques, devices, equipment, or methods to be considered valid pursuant to the provisions of sections 577.020 to 577.041 and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the state department of health and senior services.

[5.] 6. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer.

[6.] 7. Upon the request of the person who is tested, full information concerning the test shall be made available to such person.

[7.] 8. Any person given a chemical test of the person's breath pursuant to subsection [1] 2 of this section or a field sobriety test may be videotaped during any such test at the direction of the law enforcement officer. Any such video recording made during the chemical test pursuant to this subsection or a field sobriety test shall be admissible as evidence at either any trial of such person for either a violation of any state law or county or municipal ordinance, or any license revocation or suspension proceeding pursuant to the provisions of chapter 302, RSMo.

577.021. 1. Any state, county or municipal law enforcement officer who has the power of arrest for violations of section 577.010 or 577.012 and who is certified pursuant to chapter 590, RSMo, may, prior to arrest, administer a chemical test to any person suspected of operating a motor vehicle in violation of section 577.010 or 577.012.

2. Any state, county, or municipal law enforcement officer who has the power of arrest for violations of section 577.010 or 577.012 and who is certified under chapter 590, RSMo, shall make all reasonable efforts to administer a chemical test to any person suspected of driving a motor vehicle involved in a collision which resulted in a fatality or serious physical injury as defined in section 565.002, RSMo.

3. A test administered pursuant to this section shall be admissible as evidence of probable cause to arrest and as exculpatory evidence, but shall not be admissible as evidence of blood alcohol content. The provisions of section 577.020 shall not apply to a test administered prior to arrest pursuant to this section.”; and

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

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

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

AMEND House Amendment No. 4 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 872, 754 & 669, Page 3, Line 9, by inserting after all of said line the following:

“Full information is limited to the following:

- (1) The type of test administered and the procedures followed;
- (2) The time of the collection of the blood or breath sample analyzed or urine analyzed;
- (3) The numerical results of the test indicating the alcohol content of the blood and breath and urine;
- (4) The type and status of any permit which was held by the person who performed the test;

**(5) If the test was administered by means of a breath testing instrument, the date of performance of the most recent required maintenance of such instrument.**

**Full information does not include manuals, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the state. Additionally, full information does not include information in the possession of the manufacturer of the test instrument”; and**

Further amend Page 4, Line 3, by inserting after said line the following:

**“The provisions changing chapter 577 are severable from this legislation. The general assembly would have enacted the remainder of this legislation without the changes made to chapter 577, and the remainder of the legislation is not essentially and inseparably connected with or dependent upon the changes to chapter 577.”; and**

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

Representative Behnen assumed the Chair.

**On motion of Representative Bringer, House Amendment No. 1 to House Amendment No. 4 was adopted by the following vote:**

AYES: 155

Aull	Avery	Baker 25	Baker 123	Bearden
Behnen	Bivins	Black	Bland	Bogetto
Bowman	Boykins	Bringer	Brooks	Brown 50
Bruns	Burnett	Casey	Chinn	Chappelle-Nadal
Cooper 120	Cooper 155	Cooper 158	Corcoran	Cunningham 145
Cunningham 86	Curls	Dake	Darrough	Daus
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Donnelly	Dougherty	Dusenberg
El-Amin	Emery	Ervin	Faith	Fares
Fisher	Flook	Frame	Franz	Fraser
George	Guest	Harris 23	Harris 110	Haywood
Henke	Hobbs	Hoskins	Hubbard	Hughes
Icet	Jackson	Johnson 47	Johnson 61	Johnson 90
Jolly	Jones	Kelly	Kingery	Kratky
Kraus	Kuessner	Lager	Lampe	Lembke
LeVota	Liese	Lipke	Loehner	Low 39
Lowe 44	Marsh	May	McGhee	Meadows
Meiners	Moore	Munzlinger	Muschany	Myers
Nance	Nieves	Nolte	Oxford	Page
Parker	Parson	Pearce	Phillips	Pollock
Portwood	Pratt	Quinn	Richard	Roark
Robb	Robinson	Roorda	Rucker	Ruestman
Salva	Sander	Sater	Schaaf	Schad
Scharnhorst	Schlottach	Schneider	Schoemehl	Self
Shoemyer	Silvey	Skaggs	Smith 14	Smith 118
Smith 150	St. Onge	Storch	Sutherland	Swinger
Threlkeld	Tilley	Viebrock	Villa	Vogt
Wagner	Wallace	Walsh	Walton	Wells
Weter	Whorton	Wildberger	Wilson 119	Wilson 130
Witte	Wood	Wright 137	Wright 159	Wright-Jones
Yaeger	Yates	Young	Zweifel	Mr Speaker



NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Bean	Brown 30	Hunter	Rector	Spreng
Stevenson	Wasson			

VACANCIES: 001

On motion of Representative Johnson (90), **House Amendment No. 4, as amended**, was adopted.

**HCS SS SCS SBs 872, 754 & 669, as amended**, was laid over.

**HCS SS SB 696**, relating to economic development projects, was taken up by Representative Flook.

Representative Burnett raised a point of order that the **House Committee Substitute** goes beyond the scope of the underlying bill.

Representative Behnen requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 696, Page 3, Section 32.100, Lines 1 and 2, by deleting all of said section; and

Further amend said bill, Pages 3 to 5, Section 32.105, Lines 1 to 99, by deleting all of said section; and

Further amend said bill, Pages 5 to 7, Section 32.111, Lines 1 to 45, by deleting all of said section; and

Further amend said bill, Pages 7 to 10, Section 32.115, Lines 1 to 117, by deleting all of said section; and

Further amend said bill, Pages 10 to 12, Section 33.282, Lines 1 to 46, by deleting all of said section; and

Further amend said bill, Page 32, Section 99.960, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the following:

"development for review and submission of an analysis and recommendation to the Missouri development finance board for a determination as to approval of the disbursement of the project"; and

Further amend said bill, Page 32, Section 99.960, Lines 5 and 6, by deleting all of said lines and inserting in lieu thereof the following:

"fund. The department of economic development shall forward the application to the Missouri development finance board with the analysis and recommendation. In no event shall any"; and

1502 *Journal of the House*

Further amend said bill, Page 33, Section 99.960, Line 35, by deleting all of said line and inserting in lieu thereof the following:

"disbursed from state supplemental downtown development fund over the term of the"; and

Further amend said bill, Page 33, Section 99.960, Line 40, by deleting all of said line and inserting in lieu thereof the following:

"development and the Missouri development finance board."; and

Further amend said bill, Page 33, Section 99.960, Line 43, by deleting all of said line and inserting in lieu thereof the following:

"3. The Missouri development finance board shall make a"; and

Further amend said bill, Page 33, Section 99.960, Lines 45 and 46, by deleting all of said lines and inserting in lieu thereof the following:

"supplemental downtown development fund and shall forward such determination to the director of the department of economic development. In no event shall the amount of disbursements"; and

Further amend said bill, Page 34, Section 99.960, Lines 71 and 72, by deleting all of said lines and inserting in lieu thereof the following:

"salaries and expenses of the department of economic development, the Missouri development finance board, and the department of revenue reasonably allocable to each development project"; and

Further amend said bill, Page 34, Section 99.960, Lines 81 and 82, by deleting all of said lines and inserting in lieu thereof the following:

"9. The department of economic development, in conjunction with the Missouri development finance board, may establish the procedures and standards for the determination"; and

Further amend said bill, Page 34, Section 99.960, Line 93, by deleting all of said line and inserting in lieu thereof the following:

"11. The Missouri development finance board shall consider"; and

Further amend said bill, Page 35, Section 99.963, Line 26, by deleting all of said line and inserting in lieu thereof the following:

"downtown development fund exceed the [lessor] **lesser** of the amount of the certificates of approval for"; and

Further amend said bill, Pages 36 and 37, Section 99.975, Lines 1 to 30, by deleting all of said section; and

Further amend said bill, Pages 37 to 39, Section 99.980, Lines 1 to 89, by deleting all of said section; and

Further amend said bill, Page 42, Section 99.1048, Line 25, by deleting all of said line and inserting in lieu thereof the following:

"development fund exceed the [lessor] **lesser** of the amount of the certificates of approval for projects or"; and

Further amend said bill, Page 51, Section 99.1092, Line 25, by deleting all of said section and inserting in lieu thereof the following:

"preservation fund exceed the [lessor] **lesser** of the amount of the certificates of approval for projects or"; and

Further amend said bill, Pages 82 to 84, Section 135.440, Lines 1 to 70, by deleting all of said section; and

Further amend said bill, Pages 84 and 85, Section 135.442, Lines 1 to 26, by deleting all of said section; and

Further amend said bill, Pages 85 to 88, Section 135.444, Lines 1 to 99, by deleting all of said section; and

Further amend said bill, Page 88, Section 135.446, Lines 1 to 12, by deleting all of said section; and

Further amend said bill, Pages 88 and 89, Section 135.448, Lines 1 to 41, by deleting all of said section; and

Further amend said bill, Page 89, Section 135.449, Lines 1 to 6, by deleting all of said section; and

Further amend said bill, Pages 93 to 95, Section 135.800, Lines 1 to 64, by deleting all of said section; and

Further amend said bill, Page 122, Section 348.274, Line 17, by deleting all of said line and inserting in lieu thereof the following:

**"invested, unless the company is located in a rural or distressed community, in which case the";** and

Further amend said bill, Page 130, Section 447.708, Line 228, by inserting after all of said line the following:

**"620.005. For each program under chapter 135, RSMo, administered by the Missouri department of economic development, the department of economic development shall, at least annually, submit a report to the Missouri general assembly listing the program participants, the projects administered, the projects completed, and the number of persons served as a result of the implementation of the program. If the program is a business incentive program, the department of economic development shall further include in its report an analysis of the economic benefits to the state of Missouri derived from such business incentive program.";** and

Further amend said bill, Page 135, Section 620.1878, Line 51, by deleting all of said line and inserting in lieu thereof the following:

**"(14) "New job", the number of full-time[, year-round] employees located at the project";** and

Further amend said bill, Page 135, Section 620.1878, Line 53, by deleting all of said line and inserting in lieu thereof the following:

**"full-time [equivalent] employees at related facilities below the related facility base employment.";** and

Further amend said bill, Page 139, Section 620.1881, Line 23, by deleting all of said line and inserting in lieu thereof the following:

**"or sections 135.900 to 135.906, RSMo, [for the same new jobs] at the same project facility. The";** and

Further amend said bill, Page 139, Section 620.1881, Line 37, by deleting all of said line and inserting in lieu thereof the following:

**"by the new tax revenues and other economic [stimulus] stimuli that will be generated by the new jobs";** and

Further amend said bill, Page 139, Section 620.1881, Line 38, by inserting after all of said line the following:

**"as calculated under subdivision (32) of section 620.1878";** and

Further amend said bill, Page 139, Section 620.1881, Line 46, by deleting all of said line and inserting in lieu thereof the following:

"tax revenues and other economic [stimulus] **stimuli** that will be generated by the new jobs created by the"; and

Further amend said bill, Page 140, Section 620.1881, Line 64, by deleting all of said line and inserting in lieu thereof the following:

"revenues and other economic [stimulus] **stimuli** that will be generated by the new jobs created by the"; and

Further amend said bill, Page 144, Section 620.1881, Line 202, by deleting all of said line and inserting in lieu thereof the following:

"tax withheld as provided in section [143.221] **143.211**, RSMo."; and

Further amend said bill, Pages 145 and 146, Section 620.1900, Lines 1 to 29, by deleting all of said section; and

Further amend said bill, Page 147, Section 32.110, Lines 1 to 28, by deleting all of said section; and

Further amend said bill, Pages 147 to 149, Section 32.117, Lines 1 to 55, by deleting all of said section; and

Further amend said bill, Page 149, Section 32.120, Lines 1 to 6, by deleting all of said section; and

Further amend said bill, Pages 149 to 151, Section 135.460, Lines 1 to 86, by deleting all of said section; and

Further amend said bill, Pages 151 and 152, Section 208.750, Lines 1 to 29, by deleting all of said section; and

Further amend said bill, Pages 152 and 153, Section 208.755, Lines 1 to 44, by deleting all of said section; and

Further amend said bill, Pages 153 and 154, Section 208.760, Lines 1 to 37, by deleting all of said section; and

Further amend said bill, Page 154, Section 208.765, Lines 39 to 50, by deleting all of said section; and

Further amend said bill, Pages 154 and 155, Section 208.770, Lines 1 to 28, by deleting all of said section; and

Further amend said bill, Page 155, Section 208.775, Lines 1 to 6, by deleting all of said section; and

Further amend said bill, Pages 157 to 160, Section 620.495, Lines 1 to 162, by deleting all of said section; and

Further amend said bill, Pages 164 and 165, Section 620.1100, Lines 1 to 41, by deleting all of said section; and

Further amend said bill, Pages 165 and 166, Section 620.1103, Lines 1 to 21, by deleting all of said bill; and

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

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

*House Amendment No. 1*

*to*

*House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for Senate Substitute for Senate Bill No. 696, Page 5, Line 24, by inserting after said line the following:

"Further amend House Committee Substitute for Senate Substitute for Senate Bill No. 696, Section 620.1878, Page 137, Line 98, by inserting after the close parenthesis “)” on said line the following:

“and a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri and whose income derives from gambling””; and

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

Representative Bringer moved that **House Amendment No. 1 to House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 022

Baker 123	Bringer	Casey	Chinn	Chappelle-Nadal
Dake	Davis	Dethrow	Emery	Ervin
Harris 110	Henke	Kuessner	Nolte	Oxford
Phillips	Pollock	Sander	Self	Smith 150
Wells	Wood			

NOES: 130

Aull	Avery	Baker 25	Bearden	Behnen
Bivins	Black	Bland	Bogetto	Bowman
Brown 50	Bruns	Burnett	Cooper 120	Cooper 155
Cooper 158	Corcoran	Cunningham 145	Cunningham 86	Curls
Darrough	Daus	Day	Deeken	Dempsey
Denison	Dixon	Donnelly	Dougherty	Dusenberg
El-Amin	Faith	Fares	Fisher	Flook
Frame	Franz	Fraser	George	Guest
Harris 23	Haywood	Hobbs	Hoskins	Hughes
Hunter	Ice	Jackson	Johnson 47	Johnson 61
Johnson 90	Jolly	Jones	Kelly	Kingery
Kratky	Kraus	Lager	Lampe	Lembke
LeVota	Liese	Lipke	Loehner	Low 39
Marsh	May	McGhee	Meadows	Meiners
Moore	Munzlinger	Muschany	Myers	Nance
Nieves	Page	Parker	Parson	Pearce
Portwood	Pratt	Quinn	Rector	Richard
Roark	Robinson	Roorda	Rucker	Ruestman
Salva	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schneider	Schoemehl	Shoemyer	Silvey
Smith 14	Smith 118	St. Onge	Storch	Sutherland
Swinger	Threlkeld	Tilley	Viebrock	Villa
Vogt	Wagner	Wallace	Walsh	Walton
Wasson	Weter	Whorton	Wildberger	Wilson 119
Wilson 130	Witte	Wright 137	Wright 159	Wright-Jones
Yaeger	Yates	Young	Zweifel	Mr Speaker

PRESENT: 003

Brooks	Lowe 44	Skaggs
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ABSENT WITH LEAVE: 007

Bean	Boykins	Brown 30	Hubbard	Robb
Spreng	Stevenson			

VACANCIES: 001

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 696, Section 144.054, Page 106, Line 23, by inserting after all of said line the following:

“144.062. 1. With respect to exempt sales at retail of tangible personal property and materials for the purpose of constructing, repairing or remodeling facilities for: (1) a county, other political subdivision or instrumentality thereof exempt from taxation under subdivision (10) of section 39 of article III of the Constitution of Missouri; or (2) an organization sales to which are exempt from taxation under the provisions of subdivision (19) of subsection 2 of section 144.030; or (3) any institution of higher education supported by public funds or any private not-for-profit institution of higher education, exempt from taxation under subdivision (20) of subsection 2 of section 144.030; or (4) any private not-for-profit elementary or secondary school exempt from taxation under subdivision (22) of subsection 2 of section 144.030; **or (5) after June 30, 2007: (a) the department of transportation; or (b) the state highways and transportation commission**, hereinafter collectively referred to as exempt entities, such exemptions shall be allowed for such purchases if the purchases are related to the entities' exempt functions and activities. In addition, the sales shall not be rendered nonexempt nor shall any material supplier or contractor be obligated to pay, collect or remit sales tax with respect to such purchases made by or on behalf of an exempt entity due to such purchases being billed to or paid for by a contractor or the exempt entity contracting with any entity to render any services in relation to such purchases, including but not limited to selection of materials, ordering, pickup, delivery, approval on delivery, taking of delivery, transportation, storage, assumption of risk of loss to materials or providing warranties on materials as specified by contract, use of materials or other purchases for construction of the building or other facility, providing labor, management services, administrative services, design or technical services or advice to the exempt entity, whether or not the contractor or other entity exercises dominion or control in any other manner over the materials in conjunction with services or labor provided to the exempt entity.

2. When any exempt entity contracts for the purpose of constructing, repairing or remodeling facilities, and purchases of tangible personal property and materials to be incorporated into or consumed in the construction of the project are to be made on a tax-exempt basis, such entity shall furnish to the contractor an exemption certificate authorizing such purchases for the construction, repair or remodeling project. The form and content of such project exemption certificate shall be approved by the director of revenue. The project exemption certificate shall include but not be limited to:

- (1) The exempt entity's name, address, Missouri tax identification number and signature of authorized representative;
- (2) The project location, description, and unique identification number;
- (3) The date the contract is entered into, which is the earliest date materials may be purchased for the project on a tax-exempt basis;
- (4) The estimated project completion date; and
- (5) The certificate expiration date.

Such certificate is renewable for a given project at the option of the exempt entity, only for the purpose of revising the certificate expiration date as necessary to complete the project.

3. The contractor shall furnish the certificate prescribed in subsection 2 of this section to all subcontractors, and any contractor purchasing materials shall present such certificate to all material suppliers as authorization to purchase, on behalf of the exempt entity, all tangible personal property and materials to be incorporated into or consumed in the construction of that project and no other on a tax-exempt basis. Such suppliers shall execute to the purchasing

contractor invoices bearing the name of the exempt entity and the project identification number. Nothing in this section shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in constructing, repairing or remodeling facilities for the exempt entity. All invoices for all personal property and materials purchased under a project exemption certificate shall be retained by the purchasing contractor for a period of five years and shall be subject to audit by the director of revenue.

4. Any excess resalable tangible personal property or materials which were purchased for the project by a contractor under a project exemption certificate but which were not incorporated into or consumed in the construction of the project shall either be returned to the supplier for credit or the appropriate sales or use tax on such excess property or materials shall be reported on a return and paid by such contractor not later than the due date of the contractor's Missouri sales or use tax return following the month in which it was determined that the materials were not to be used in the project.

5. No contractor or material supplier shall, upon audit, be required to pay tax on tangible personal property and materials incorporated into or consumed in the construction of the project, due to the failure of the exempt entity to revise the certificate expiration date as necessary to complete any work required by the contract. If it is determined that tax is owed on such property and materials due to the failure of the exempt entity to revise such certificate expiration date, the exempt entity shall be liable for the tax owed.

6. If an entity issues exemption certificates for the purchase of tangible personal property and materials which are incorporated into or consumed in the construction of its project and such entity is found not to have had the authority granted by this section to issue such exemption certificates, then such entity shall be liable for the tax owed on such personal property and materials. In addition, if an entity which does have the authority granted by this section to issue exemption certificates issues such certificates for the purchase of tangible personal property and materials which are incorporated into or consumed in the construction of a project, or part of a project, which is found not to be related to such entity's exempt functions and activities, then such entity shall be liable for the tax owed on such personal property and materials."; and

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

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 696, Pages 96-97, Section 135.950, Lines 1-21, by deleting all said lines and inserting in lieu thereof:

"135.950. The following terms, whenever used in sections 135.950 to 135.970 mean:

(1) "Blighted area", an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use;

(2) "Board", an enhanced enterprise zone board established pursuant to section 135.957;

(3) "Commencement of commercial operations" shall be deemed to occur during the first taxable year for which the new business facility is first put into use by the taxpayer in the enhanced business enterprise in which the taxpayer intends to use the new business facility;

(4) "Department", the department of economic development;

(5) "Director", the director of the department of economic development;

(6) "Employee", [a person employed by the enhanced business enterprise on:

(a) A regular, full-time basis;

(b) A part-time basis, provided such person is customarily performing such duties an average of at least twenty hours per week; or

(c) A seasonal basis, provided such person performs such duties for at least eighty percent of the season customary for the position in which such person is employed] **a person that is scheduled to work an average of at least twenty hours per week for the first six months after the position is created, and thirty-five hours a week**

**thereafter, and such person at all times has health insurance offered to him or her, which is partially paid for by the employer;";** and

Further amend House Committee Substitute for Senate Substitute for Senate Bill No. 696, Pages 112 to 114, Section 313.820, by deleting all of said section from said bill; and

Further amend House Committee Substitute for Senate Substitute for Senate Bill No. 696, Page 135, Section 620.1878, Line 51, by deleting all of said line and inserting in lieu thereof the following:

"(14) "New job", the number of full-time[, year-round] employees located at the project"; and

Further amend said bill, Page 135, Section 620.1878, Line 53, by deleting all of said line and inserting in lieu thereof the following:

"full-time [equivalent] employees at related facilities below the related facility base employment."; and

Further amend said bill, Page 136, Section 620.1878, Lines 83 and 84, by deleting all of said lines and inserting in lieu thereof the following:

**"program, the amount of base payroll shall increase each year based on an appropriate measure, as determined by the department;";** and

Further amend said bill, Page 138, Section 620.1878, Line 137, by deleting all of said line and inserting in lieu thereof the following:

**"an appropriate measure, as determined by the department;";** and

Further amend said bill, Page 138, Section 620.1878, Line 153, by deleting all of said line and inserting in lieu thereof the following:

"620.1884 [and] **or** classified by NAICS codes;"; and

Further amend said bill, Page 139, Section 620.1881, Line 23, by deleting all of said line and inserting in lieu thereof the following:

"or sections 135.900 to 135.906, RSMo, [for the same new jobs] at the **same** project facility. The"; and

Further amend said bill, Page 139, Section 620.1881, Line 34, by inserting after all of said line the following:

**"The calendar year annual maximum amount of tax credits that may be issued to a qualifying company that also participates in the new job training program shall be increased by an amount equivalent to the withholding tax retained by that company under the new jobs training program. However, if the combined benefits of the quality jobs training program and the new jobs training program exceed the projected state benefit of the project, as determined by the department of economic development through a cost-benefit analysis, the increase in the maximum tax credits shall be limited to the amount that would not cause the combined benefits to exceed the projected state benefit.";** and

Further amend said bill, Page 139, Section 620.1881, Line 37, by deleting all of said line and inserting in lieu thereof the following:

"by the new tax revenues and other economic [stimulus] **stimuli** that will be generated by the new jobs"; and

Further amend said bill, Page 139, Section 620.1881, Line 38, by inserting after all of said line the following:

**"as calculated under subdivision (32) of section 620.1878";** and



Further amend said bill, Page 139, Section 620.1881, Line 46, by deleting all of said line and inserting in lieu thereof the following:

"tax revenues and other economic [stimulus] **stimuli** that will be generated by the new jobs created by the"; and

Further amend said bill, Page 140, Section 620.1881, Line 64, by deleting all of said line and inserting in lieu thereof the following:

"revenues and other economic [stimulus] **stimuli** that will be generated by the new jobs created by the"; and

Further amend said bill, Page 143, Section 620.1881, Line 187, by deleting all of said line and inserting in lieu thereof the following:

**"that at issuance credits shall be first applied to the delinquency, and any amount issued shall be reduced by the applicant's tax delinquency. If"**; and

Further amend said bill, Page 144, Section 620.1881, Line 202, by deleting all of said line and inserting in lieu thereof the following:

"tax withheld as provided in section [143.221] **143.211**, RSMo."; and

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

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

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

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 696, Section 135.566, Page 90, Line 14, by inserting immediately after the word "**taxpayer**" the following:

**"who works at least forty weeks during a consecutive twelve month period"**; and

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

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

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

Representative Skaggs raised a point of order that **House Amendment No. 5** goes beyond the scope of the bill.

Representative Behnen requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

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

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 696, Section 26.700, Page 1, Line 1 of said section, by deleting the phrase "**lieutenant governor**" and inserting in lieu thereof the phrase "**secretary of state**"; and

Further amend said section, Page 2, by deleting the phrase "**lieutenant governor**" and inserting in lieu thereof the phrase "**secretary of state**"; and

Further amend said section, Line 14, by deleting all of said line and renumber said subsection accordingly; and

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

Representative Wildberger moved that **House Amendment No. 6** be adopted.

Which motion was defeated.

Representative Flook offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 696, Page 16, Section 42.007, Line 59, by inserting after all of said line the following:

"67.2500. 1. **A theater, cultural arts, and entertainment district may be established in the manner provided in section 67.2505** by the governing body of any **county described in this subsection or any** city, town, or village that is within [a first class county with a charter form of government with a population over two hundred fifty thousand that adjoins a first class county with a charter form of government with a population over nine hundred thousand, or that is within] **such counties:**

(1) Any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants[, may establish a theater, cultural arts, and entertainment district in the manner provided in section 67.2505] ;

(2) **Any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants;**

(3) **Any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants.**

2. Sections 67.2500 to 67.2530 shall be known as the "Theater, Cultural Arts, and Entertainment District Act".

3. As used in sections 67.2500 to 67.2530, the following terms mean:

(1) "District", a theater, cultural arts, and entertainment district organized under this section;

(2) "Qualified electors", "qualified voters", or "voters", registered voters residing within the district or subdistrict, or proposed district or subdistrict, who have registered to vote pursuant to chapter 115, RSMo, or, if there are no persons eligible to be registered voters residing in the district or subdistrict, proposed district or subdistrict, property owners, including corporations and other entities, that are owners of real property;

(3) "Registered voters", persons qualified and registered to vote pursuant to chapter 115, RSMo; and

(4) "Subdistrict", a subdivision of a district, but not a separate political subdivision, created for the purposes specified in subsection 5 of section 67.2505.

67.2510. As a complete alternative to the procedure establishing a district set forth in section 67.2505, **a theater, cultural arts, and entertainment district may be established in the manner provided in section 67.2515** by a circuit court with jurisdiction over any **county described in this section or any** city, town, or village that is within [a first class county with a charter form of government with a population over two hundred fifty thousand that adjoins a first class county with a charter form of government with a population over nine hundred thousand, or that is within] **such counties:**

(1) Any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants[, may establish a theater, cultural arts, and entertainment district in the manner provided in section 67.2515] ;

(2) **Any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants;**

(3) **Any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants."**; and

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

On motion of Representative Flook, **House Amendment No. 7** was adopted.

Representative Ervin offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 696, Section 348.271, Page 121, Line 43, by inserting after the period "." on said line the following:

**"Once the funding deadline established by this subsection has been reached, a not-for-profit corporation that has operated an innovation center under this section may re-apply to the department of economic development to operate an innovation center under this section and receive funding through the Missouri discovery fund, as established in section 348.264, for an additional three-year period. Innovation centers may only reapply if they prove that previous state funding has resulted in a positive return on investment and that future innovation center operations will not continue to achieve the same positive return on investment unless the funding continues. If approved, re-application to continue to operate an innovation center under this section may be made at the close of the three-year funding period. If disapproved, re-application to operate an innovation center under this section may be made annually."**; and

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

On motion of Representative Ervin, **House Amendment No. 8** was adopted.

Representative Schneider offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 696, Section 160.053, Page 107, Line 20, by inserting after all of said line the following:

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

(1) All students be graduated from school;

(2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and

(3) All students proceed from high school graduation to a college or postsecondary vocational or technical school or high-wage job with work place skill development opportunities.

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

(1) Establish measurable districtwide performance standards for the goals of the program outlined in subsection 1 of this section; and

(2) Specify the knowledge, skills and competencies, in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify a student for graduation from the school; and

(3) Do not offer a general track of courses that, upon completion, can lead to a high school diploma; and

(4) Require rigorous coursework with standards of competency in basic academic subjects for students pursuing vocational and technical education as prescribed by rule and regulation of the state board of education; and

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

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

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

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

6. **Within the limits established in subsection 8 of this section**, the commissioner of education shall, by rule and regulation of the state board of education and with the advice of the coordinating board for higher education, establish a procedure for the reimbursement of the cost of tuition, books and fees to any public community college or **any public or private** vocational or technical school for any student:

(1) Who has attended a public high school in the state for at least three years immediately prior to graduation that meets the requirements of subsection 2 of this section, except that students who are active duty military dependents who, in the school year immediately preceding graduation, meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the three-year attendance requirement of this subdivision; and

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

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

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

**8. For private vocational or technical schools to obtain reimbursements under subsection 6 of this section the following requirements must be satisfied:**

**(1) Such institutions shall both be members of the north central association and be accredited by the higher learning commission as of July 1, 2006, and maintain such accreditation;**

**(2) Such institutions shall be designated as 501(c)(3) nonprofit organizations under the Internal Revenue Code of 1986, as amended;**

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

**(4) The reimbursements provided to private vocational or technical schools shall not violate the provisions of article IX, section 8, or article I, section 7, of the Missouri Constitution or the first amendment of the United States Constitution.";** and

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

On motion of Representative Schneider, **House Amendment No. 9** was adopted.

Representative Wagner offered **House Amendment No. 10**.

*House Amendment No. 10*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 696, Page 105, Section 135.1170, Line 68, by inserting after all of said line the following:

"137.100. The following subjects are exempt from taxation for state, county or local purposes:

(1) Lands and other property belonging to this state;

(2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament. **For purposes of this subdivision, "belonging" shall mean in cases where lands are utilized so as to facilitate air transportation at nonprimary commercial service airports and reliever airports, as defined by the Federal Aviation Administration, holding a fee interest in real property without regard to the presence of any inferior possessory interest;**

(3) Nonprofit cemeteries;

(4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, including not-for-profit agribusiness associations;

(5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;

(6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place;

(7) Motor vehicles leased for a period of at least one year to this state or to any city, county, or political subdivision or to any religious, educational, or charitable organization which has obtained an exemption from the payment of federal income taxes, provided the motor vehicles are used exclusively for religious, educational, or charitable purposes; and

(8) Real or personal property leased or otherwise transferred by an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, to another for which or whom such property is not exempt when immediately after the lease or transfer, the interstate compact agency enters into a leaseback or other agreement that directly or indirectly gives such interstate compact agency a right to use, control, and possess the property; provided, however, that in the event of a conveyance of such property, the interstate compact agency must retain an option to purchase the property at a future date or, within the limitations period for reverters, the property must revert back to the interstate compact agency. Property will no longer be exempt under this subdivision in the event of a conveyance as of the date, if any, when:

(a) The right of the interstate compact agency to use, control, and possess the property is terminated;

- (b) The interstate compact agency no longer has an option to purchase or otherwise acquire the property; and
- (c) There are no provisions for reverter of the property within the limitation period for reverters."; and

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

On motion of Representative Wagner, **House Amendment No. 10** was adopted.

Representative Wasson offered **House Amendment No. 11**.

*House Amendment No. 11*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 696, Page 16, Section 42.007, Line 59, by inserting after all of said line the following:

**"67.1580. 1. As used in this section, "community improvement" means any program, project, or activity that the governing body of the city determines improves a community.**

**2. Any city with two hundred thousand or fewer inhabitants may create a community improvement fund. The fund shall consist of all moneys which may be appropriated to it by the governing body of the city, gifts, contributions, grants, or bequests received from any source. Moneys in the fund shall be used solely for the programs, projects, and activities implemented by the governing body of the city to improve communities."; and**

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

On motion of Representative Wasson, **House Amendment No. 11** was adopted.

Representative Parson offered **House Amendment No. 12**.

*House Amendment No. 12*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 696, Section 313.820, Page 114, Line 102, by inserting immediately after all of said line the following:

“323.020. 1. The director of the department of agriculture shall make, promulgate and enforce regulations setting forth general standards covering the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck, tank trailer, and utilizing liquefied petroleum gases and specifying the odorization of such gases and the degree thereof. The regulations shall be such as are reasonably necessary for the protection of the health, welfare and safety of the public and persons using such materials, and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter. Such regulations shall be adopted by the director of the department of agriculture pursuant to chapter 536, RSMo. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to section 536.028, RSMo, if applicable, after January 1, 1999. All rulemaking authority delegated prior to January 1, 1999, is of no force and effect and repealed as of January 1, 1999, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to January 1, 1999. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to January 1, 1999.

2. Except as specifically provided in subsection 1 of section 323.060, regulations in substantial conformity with the published standards of the National [Board of Fire Underwriters] **Fire Protection Association** for the design, installation and construction of containers and pertinent equipment for the storage and handling of liquefied petroleum gases as recommended by the National Fire Protection Association shall be deemed to be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

**3. The director shall establish an advisory committee which shall consist of seven members as follows:**

- (1) One member representing the department of agriculture;**
- (2) One member representing the state fire marshals office;**
- (3) One member representing the Missouri Propane Gas Association;**
- (4) One member actively conducting business as a retailer of propane gas;**
- (5) One member representing wholesalers or resellers of propane gas;**
- (6) One member representing the transportation of propane gas or affiliated industries;**
- (7) One member representing companies that service, repair and install liquefied petroleum gas**

**appliances, tanks, and equipment.**

**With the exception of the members representing the department of agriculture and the state fire marshal, the remaining members appointed by the director shall serve three-year terms except that the director shall designate one of the original appointees to be appointed for one year, two members to be appointed for two years, and two members to be appointed for three years.**

**4. The advisory committee established under this section shall report to the director of agriculture. The committee shall monitor the activity of the inspection program and recommend to the director any statutory or administrative changes as may be necessary to assure the efficient and effective operation of the inspection program. The committee shall meet as determined or deemed necessary by the director. Actual expenses incurred by committee members in association with said committee activity shall be reimbursable from the fee fund created in section 323.100. Expense reimbursement requests shall be documented and submitted to the department of agriculture fiscal office on an approved expense account form provided by the director at the end of the month in which the expense was incurred.**

**323.100. 1. The director of the department of agriculture shall annually inspect and test all liquid meters used for the measurement and retail sale of liquefied petroleum gas and shall condemn all meters which are found to be inaccurate. All meters shall meet the tolerances and specifications of the National Institute of Standards and Technology Handbook 44, 1994 edition and supplements thereto. It is unlawful to use a meter for retail measurement and sale which has been condemned. All condemned meters shall be conspicuously marked "inaccurate", and the mark shall not be removed or defaced except upon authorization of the director of the department of agriculture or his authorized representative. It is the duty of each person owning or in possession of a meter to pay to the director of the department of agriculture at the time of each test a testing fee of ten dollars, except that the testing fee herein provided for shall not be applied more than once in a calendar year to each meter tested.**

**2. The fee for the inspection of retail liquid propane meters and the safety inspection in the storage, handling, transportation, and utilization of liquefied petroleum gas shall be fixed by the director of the department of agriculture at a minimum rate of one-tenth of one cent per gallon of odorized propane which shall approximately yield revenue equal to the expenses of administering the provisions of this chapter, except that until December 31, 2006, the rate shall be two-tenths of one cent per gallon and beginning January 1, 2007, the fee shall not be less than one-tenth per gallon nor exceed three-tenths cent per gallon of odorized propane.**

**3. The owner of propane immediately prior to odorization in this state or the owner at the time of import into this state of odorized propane shall be responsible for the payment of fees on the volume at the time of import or odorization. Fees shall be remitted to the director of revenue, on forms prescribed by the director, on a monthly basis by the twenty-fifth of the month following the month of collection. Non odorized propane shall not be subject to fees until odorized. Fees on liquefied petroleum gas shall be paid on gallons received, less any exports out of state. When the inspection fee has been paid on liquefied petroleum gas which is then shipped out of this state for use, sale or distribution, credit or refund shall be allowed for the amount so paid.**

**4. Annually the director of agriculture shall ascertain the total expenses for administering sections 323.010 to 323.110 during the preceding year, and shall forward a copy of such expenses to the director of revenue. Based on the recommendations from the department of agriculture, the director of revenue shall fix the inspection fee for the ensuing calendar year at such a rate per gallon, within the limits established by subsection 2 of this section, as will approximately yield revenues equal to the expenses of administering sections 323.010 to 323.110 during the preceding calendar year and shall collect the fees and deposit them in the state treasury to the credit of the "Liquefied Petroleum Gas Inspection Fund" which is hereby created. After August 28, 2006, all expenses of administering sections 323.010 to 323.110 shall be paid from appropriations made out of the liquefied petroleum gas inspection fund.**

**5. The unexpended balance in the fund at the end of each fiscal year shall not be transferred to the general revenue fund of the state, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund of the state by the state treasurer shall not apply to this fund.**

**6. The state treasurer shall invest all sums in the liquefied petroleum gas fee fund not needed for current operating expenses in interest-bearing banking accounts or United States obligations in the manner provided by law. All yield, increment, gain, interest, or income derived from the investment of these sums shall accrue to the benefit of, and be deposited within the state treasury to the credit of the liquefied petroleum gas inspection fee fund.**

**7. The provisions of this section shall not apply to the provisions of section 23.253, RSMo.”; and**

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

On motion of Representative Parson, **House Amendment No. 12** was adopted.

Representative Baker (25) offered **House Amendment No. 13**.

*House Amendment No. 13*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 696, Page 1, In the Title, Line 11, by deleting the word "ninety" and inserting in lieu thereof the word "ninety-one"; and

Further amend said bill, Page 2, Section A, Line 9, by deleting the word "ninety" and inserting in lieu thereof the word "ninety-one"; and

Further amend said bill, Page 2, Section A, Line 18, by inserting after the section number "620.503," the section number "620.510,"; and

Further amend said bill, Page 132, Section 620.503, Line 23, by inserting after all of said line the following:

**"620.510. 1. There is hereby established the "Missouri Health Profession Shortage Planning Commission" within the department of economic development to develop recommendations regarding the health professions workforce in this state.**

**2. As used in this section, the following terms mean:**

**(1) "Economic cluster", a grouping of industries linked together through customer, supplier, or other relationships.**

**(2) "Health professions workforce" and "health care professionals", professionals or paraprofessionals who are qualified by special training, education, skills, and experience in providing health care, treatment, diagnostic services, and physical therapy under the supervision of or in collaboration with a licensed practitioner, and includes but is not limited to those listed in chapter 334, RSMo, and dentists and pharmacists.**

**3. The commission shall consist of the following members:**

**(1) A member appointed by the speaker of the house of representatives;**

**(2) A member appointed by the president pro tem of the senate;**

**(3) A member appointed by the minority leader of the house of representatives;**

**(4) A member appointed by the minority leader of the senate;**

**(5) The director of the departments of health and senior services, and the commissioner of the coordinating board of higher education, or their designees;**

**(6) The chairpersons and ranking members of the standing committees of the house of representatives and senate having cognizance of matters relating to public health and higher education and employment advancement, or their designees;**

**(7) A representative of the Missouri conference of community colleges; and**

**(8) A representative of the health care professions of the land grant university system training health care professionals.**

**Members appointed under this section shall be a recognized expert in the field of health, finance, economics, or health facility management. All appointments to the board shall be made no later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority. The term of each nonlegislative member of the commission shall be three years from the date of appointment. Legislative members of the commission shall serve for the duration of their current term of office.**



4. The commission shall elect a chairperson from among its members. Members of the commission shall serve without compensation, but may be reimbursed for actual and necessary expenses incurred in the performance of their duties as members of the commission. The commission shall convene its first meeting not later than sixty days after the effective date of this section.

5. The commission shall:

(1) Monitor data and trends in the health professions workforce, including but not limited to:

(a) The state's current and future supply and demand for health care professionals; and

(b) The current and future capacity of the state system of higher education to educate and train students pursuing health care professions;

(2) Develop recommendations for the formation and promotion of an economic cluster for health care professions;

(3) Identify recruitment and retention strategies for public and independent institutions of higher education with health care programs;

(4) Develop recommendations for promoting diversity in the health professions workforce, including but not limited to racial, ethnic, and gender diversity and for enhancing the attractiveness of health care professions;

(5) Develop recommendations regarding financial and other assistance to students enrolled in or considering enrolling in health care programs offered at public or private institutions of higher education; and

(6) Identify recruitment and retention strategies for health care employers.

6. On or before January 1, 2007, and annually thereafter, the board shall submit a report on its findings and recommendations, including recommendations for legislation to address health professions workforce shortages in this state to the appropriate standing committees of the house of representatives and senate having cognizance of matters relating to public health and higher education and employment advancement."; and

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

On motion of Representative Baker (25), **House Amendment No. 13** was adopted.

Representative El-Amin offered **House Amendment No. 14**.

*House Amendment No. 14*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 696, Page 79, Section 100.760, Line 23, by inserting after all of said line the following:

"135.095. **1.** For all tax years beginning on or after January 1, [1999, but before December 31, 2001] **2006, but ending on or before December 31, 2006**, a resident individual who has attained sixty-five years of age on or before the last day of the tax year shall be allowed, for the purpose of offsetting the cost of legend drugs, a maximum credit against the tax otherwise due [pursuant to] **under** chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, of [two] **five** hundred dollars. An individual shall be entitled to the maximum credit allowed by this section if the individual has a Missouri adjusted gross income of [fifteen] **nineteen** thousand **five hundred** dollars or less **if the individual's filing status is single, head of household, or qualifying widow(er), or twenty-one thousand dollars or less if the individual's filing status is married filing combined**; provided that, no individual who receives full reimbursement for the cost of legend drugs from Medicare or Medicaid, or who is a resident of a local, state or federally funded facility shall qualify for the credit allowed pursuant to this section. If an individual's Missouri adjusted gross income is greater than [fifteen] **nineteen** thousand **five hundred** dollars **if the individual's filing status is single, head of household, or qualifying widow(er), or greater than twenty-one thousand dollars if the individual's filing status is married filing combined**, such individual shall be entitled to a credit equal to the greater of zero or the maximum credit allowed by this section reduced by two dollars for every hundred dollars such individual's income exceeds [fifteen] **nineteen** thousand **five hundred** dollars **if the individual's filing status is single, head of household, or qualifying widow(er), or twenty-one thousand dollars if the individual's filing status is married filing combined**. The credit shall be claimed as prescribed by the director of the department of revenue. Such credit shall be considered an overpayment of tax and shall be refundable even if the amount of the credit exceeds an individual's tax liability.

**2.** For all tax years beginning on or after January 1, 2007, a resident individual who has attained sixty-five years of age on or before the last day of the tax year shall be allowed, for the purpose of offsetting the cost of legend drugs, a maximum credit against the tax otherwise due under chapter 143, RSMo, not including

sections 143.191 to 143.265, RSMo, of five hundred dollars. An individual shall be entitled to the maximum credit allowed by this section if the individual has a Missouri adjusted gross income of twenty-four thousand dollars or less if the individual's filing status is single, head of household, or qualifying widow(er), or twenty-seven thousand dollars or less if the individual's filing status is married filing combined; provided that, no individual who receives full reimbursement for the cost of legend drugs from Medicare or Medicaid, or who is a resident of a local, state or federally funded facility shall qualify for the credit allowed under this section. If an individual's Missouri adjusted gross income is greater than twenty-four thousand dollars if the individual's filing status is single, head of household, or qualifying widow(er), or greater than twenty-seven thousand dollars if the individual's filing status is married filing combined, such individual shall be entitled to a credit equal to the greater of zero or the maximum credit allowed by this section reduced by two dollars for every hundred dollars such individual's income exceeds twenty-four thousand dollars if the individual's filing status is single, head of household, or qualifying widow(er), or twenty-seven thousand dollars if the individual's filing status is married filing combined. The credit shall be claimed as prescribed by the director of the department of revenue. Such credit shall be considered an overpayment of tax and shall be refundable even if the amount of the credit exceeds an individual's tax liability."; and

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

On motion of Representative El-Amin, **House Amendment No. 14** was adopted.

Representative Icet offered **House Amendment No. 15**.

*House Amendment No. 15*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 696, Section 2, Page 147, Line 11, by inserting after all of said line the following:

“Section 3. Any tax credits, sales tax revenues, fees, or bonds authorized under sections 26.700, 32.100, 32.105, 32.111, 32.115, 33.282, 41.655, 41.1010, 42.007, 99.845, 99.847, 99.918, 99.960, 99.963, 99.975, 99.980, 99.1045, 99.1048, 99.1082, 99.1090, 99.1092, 99.1100, 99.1102, 99.1104, 99.1106, 99.1108, 99.1110, 99.1112, 99.1114, 99.1116, 99.1118, 99.1120, 99.1122, 99.1124, 99.1126, 99.1128, 99.1130, 100.255, 100.275, 100.281, 100.286, 100.297, 100.760, 135.400, 135.403, 135.440, 135.442, 135.444, 135.446, 135.448, 135.449, 135.566, 135.662, 135.700, 135.800, 135.903, 135.950, 135.967, 135.1170, 144.054, 160.053, 168.021, 290.140, 290.152, 313.820, 348.251, 348.253, 348.256, 348.261, 348.262, 348.263, 348.264, 348.266, 348.271, 348.273, 348.274, 348.275, 447.708, 620.030, 620.500, 620.503, 620.517, 620.1003, 620.1007, 620.1878, 620.1881, 620.1892, 620.1900, 1, and 2, RSMo, shall not be transferred, sold, or assigned.”; and

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

Representative Bearden offered **House Substitute Amendment No. 1 for House Amendment No. 15**.

*House Substitute Amendment No. 1*  
*for*  
*House Amendment No. 15*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 696, Section 2, Page 147, Line 11, by inserting after all of said line the following:

“Section 3. In addition to the powers of the authority set forth elsewhere in statute, the Missouri higher education authority shall have the power to transfer and obligate itself to transfer to the state, or any board or agency of the state, funds from its proceeds, fees, revenues, and any other assets, however such assets were acquired by the authority, to be used for public purposes. In connection with the foregoing, the authority may

take any action that is necessary or incidental to fund such transfer, including but not limited to the sale of any student loans or other investments.”; and

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

Representative Bringer raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 15** is not a true substitute amendment.

Representative Behnen requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Representative Muschany offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 15**.

**House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 15** was withdrawn.

Speaker Jetton resumed the Chair.

**House Substitute Amendment No. 1 for House Amendment No. 15** was withdrawn.

**House Amendment No. 15** was withdrawn.

Representative St. Onge offered **House Amendment No. 16**.

*House Amendment No. 16*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 696, Page 16, Section 42.007, Line 59, by inserting after said line the following:

"67.1451. 1. If a district is a political subdivision, the election and qualifications of members to the district's board of directors shall be in accordance with this section. If a district is a not-for-profit corporation, the election and qualification of members to its board of directors shall be in accordance with chapter 355, RSMo.

2. The district shall be governed by a board consisting of at least five but not more than thirty directors. Each director shall, during his or her entire term, be:

(1) At least eighteen years of age; and

(2) Be either:

(a) An owner, as defined in section 67.1401, of real property or of a business operating within the district; or

(b) [If in a home rule city with more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants, a legally authorized representative of an owner of real property located within the district.] If there are less than five owners of real property located within a district, the board may be comprised of up to five legally authorized representatives of any of the owners of real property located within the district; or

(c) A registered voter residing within the district; and

(3) Any other qualifications set forth in the petition establishing the district.

3. If the district is a political subdivision, the board shall be elected or appointed, as provided in the petition.

4. If the board is to be elected, the procedure for election shall be as follows:

(1) The municipal clerk shall specify a date on which the election shall occur which date shall be a Tuesday and shall not be earlier than the tenth Tuesday, and shall not be later than the fifteenth Tuesday, after the effective date of the ordinance adopted to establish the district;

(2) The election shall be conducted in the same manner as provided for in section 67.1551, provided that the published notice of the election shall contain the information required by section 67.1551 for published notices, except that it shall state that the purpose of the election is for the election of directors, in lieu of the information related to taxes;

(3) Candidates shall pay the sum of five dollars as a filing fee and shall file not later than the second Tuesday after the effective date of the ordinance establishing the district with the municipal clerk a statement under oath that he or she possesses all of the qualifications set out in this section for a director. Thereafter, such candidate shall have his or her name placed on the ballot as a candidate for director;

(4) The director or directors to be elected shall be elected at large. The person receiving the most votes shall be elected to the position having the longest term; the person receiving the second highest votes shall be elected to the position having the next longest term and so forth. For any district formed prior to August 28, 2003, of the initial directors, one-half shall serve for a two-year term, one-half shall serve for a four-year term and if an odd number of directors are elected, the director receiving the least number of votes shall serve for a two-year term, until such director's successor is elected. For any district formed on or after August 28, 2003, for the initial directors, one-half shall serve for a two-year term, and one-half shall serve for the term specified by the district pursuant to subdivision (5) of this subsection, and if an odd number of directors are elected, the director receiving the least number of votes shall serve for a two-year term, until such director's successor is elected;

(5) Successor directors shall be elected in the same manner as the initial directors. The date of the election of successor directors shall be specified by the municipal clerk which date shall be a Tuesday and shall not be later than the date of the expiration of the stated term of the expiring director. Each successor director shall serve a term for the length specified prior to the election by the district, which term shall be at least three years and not more than four years, and shall continue until such director's successor is elected. In the event of a vacancy on the board of directors, the remaining directors shall elect an interim director to fill the vacancy for the unexpired term.

5. If the petition provides that the board is to be appointed by the municipality, such appointments shall be made by the chief elected officer of the municipality with the consent of the governing body of the municipality. For any district formed prior to August 28, 2003, of the initial appointed directors, one-half of the directors shall be appointed to serve for a two-year term and the remaining one-half shall be appointed to serve for a four-year term until such director's successor is appointed; provided that, if there is an odd number of directors, the last person appointed shall serve a two-year term. For any district formed on or after August 28, 2003, of the initial appointed directors, one-half shall be appointed to serve for a two-year term, and one-half shall be appointed to serve for the term specified by the district for successor directors pursuant to this subsection, and if an odd number of directors are appointed, the last person appointed shall serve for a two-year term; provided that each director shall serve until such director's successor is appointed. Successor directors shall be appointed in the same manner as the initial directors and shall serve for a term of years specified by the district prior to the appointment, which term shall be at least three years and not more than four years.

6. If the petition states the names of the initial directors, those directors shall serve for the terms specified in the petition and successor directors shall be determined either by the above-listed election process or appointment process as provided in the petition.

7. Any director may be removed for cause by a two-thirds affirmative vote of the directors of the board. Written notice of the proposed removal shall be given to all directors prior to action thereon.

8. The board is authorized to act on behalf of the district, subject to approval of qualified voters as required in this section; except that, all official acts of the board shall be by written resolution approved by the board.

67.1545. 1. Any district formed as a political subdivision may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, except sales of motor vehicles, trailers, boats or outboard motors and sales to public utilities. Any sales and use tax imposed pursuant to this section may be imposed [at a rate of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, one-half of one percent or one percent] **in increments of one-eighth of one percent, up to a maximum of one percent.** Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this section shall become effective unless the board of directors of the district submits to the qualified voters of the district, by mail-in ballot, a proposal to authorize a sales and use tax pursuant to this section. If a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is adopted. If a majority of the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

2. The ballot shall be substantially in the following form:

Shall the ..... (insert name of district) Community Improvement District impose a community improvement districtwide sales and use tax at the maximum rate of ..... (insert amount) for a period of ..... (insert number)

years from the date on which such tax is first imposed for the purpose of providing revenue for ..... (insert general description of the purpose)?

YES

NO

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

3. Within ten days after the qualified voters have approved the imposition of the sales and use tax, the district shall, in accordance with section 32.097, RSMo, notify the director of the department of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of the department of revenue receives notice of the adoption of such tax.

4. The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant to section 32.087, RSMo.

5. In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the district to such retailer's sale price, and when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.

6. In order to allow retailers to collect and report the sales and use tax authorized by this section as well as all other sales and use taxes required by law in the simplest and most efficient manner possible, a district may establish appropriate brackets to be used in the district imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285, RSMo.

7. The penalties provided in sections 144.010 to 144.525, RSMo, shall apply to violations of this section.

8. All revenue received by the district from a sales and use tax imposed pursuant to this section which is designated for a specific purpose shall be deposited into a special trust fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted pursuant to this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the resolution adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors pursuant to applicable laws relating to the investment of other district funds.

9. A district may repeal by resolution any sales and use tax imposed pursuant to this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the district's ability to repay any liabilities the district has incurred, moneys the district has borrowed or obligation the district has issued to finance any improvements or services rendered for the district."; and

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

On motion of Representative St. Onge, **House Amendment No. 16** was adopted.

Representative Hobbs offered **House Amendment No. 17**.

*House Amendment No. 17*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 696, Section 144.054, Page 106, Line 23, by inserting immediately after said line the following:

“144.080. 1. Every person receiving any payment or consideration upon the sale of property or rendering of service, subject to the tax imposed by the provisions of sections 144.010 to 144.525, is exercising the taxable privilege of selling the property or rendering the service at retail and is subject to the tax levied in section 144.020. The person shall be responsible not only for the collection of the amount of the tax imposed on the sale or service to the extent possible under the provisions of section 144.285, but shall, on or before the last day of the month following each calendar quarterly period of three months, file a return with the director of revenue showing the person's gross receipts and the amount of tax levied in section 144.020 for the preceding quarter, and shall remit to the director of revenue, with the return, the taxes levied in section 144.020, except as provided in subsections 2 and 3 of this section. The director of revenue may promulgate rules or regulations changing the filing and payment requirements of sellers, but shall not require any seller to file and pay more frequently than required in this section.

2. Where the aggregate amount levied and imposed upon a seller by section 144.020 is in excess of two hundred and fifty dollars for either the first or second month of a calendar quarter, the seller shall file a return and pay such aggregate amount for such months to the director of revenue by the twentieth day of the succeeding month.

3. Where the aggregate amount levied and imposed upon a seller by section 144.020 is less than forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the seller to file a return for a calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year.

4. The seller of any property or person rendering any service, subject to the tax imposed by sections 144.010 to 144.525, shall collect the tax from the purchaser of such property or the recipient of the service to the extent possible under the provisions of section 144.285, but the seller's inability to collect any part or all of the tax does not relieve the seller of the obligation to pay to the state the tax imposed by section 144.020; except that the collection of the tax imposed by sections 144.010 to 144.525 on motor vehicles and trailers shall be made as provided in sections 144.070 and 144.440.

5. [It shall be unlawful for any person to advertise or hold out or state to the public or to any customer directly or indirectly that the tax or any part thereof imposed by sections 144.010 to 144.525, and required to be collected by the person, will be assumed or absorbed by the person, or that it will not be separately stated and added to the selling price of the property sold or service rendered, or if added, that it or any part thereof will be refunded.] Any person [violating any of the provisions of this section] **may advertise, hold out, or state directly to the public or any customer that the tax of any part thereof imposed by sections 144.010 to 144.525 and required to be collected by the person will be assumed or absorbed by the person, provided that the amount of assumed or absorbed tax shall be stated on any invoice or receipt for the item sold. Failure to state separately such assumed or absorbed tax on the invoice or receipt for the item sold shall be unlawful, and any person failing to do so shall be guilty of a misdemeanor.**”; and

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

On motion of Representative Hobbs, **House Amendment No. 17** was adopted.

Representative Bowman offered **House Amendment No. 18**.

*House Amendment No. 18*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 696, Section 26.700, Page 3, Line 27, by inserting after all of said line the following:

**“26.800. 1. There is hereby created within the office of the governor a "Revitalization and Reconstruction Commission". The governor may, by executive order, assign this commission to the office of any executive department or statewide elected official.**

**2. The commission is established to promote the restoration, redevelopment, and revitalization of the urban resources of the state. The commission shall devise a comprehensive plan for alleviation of problems associated with distressed urban areas in this state. The plan shall cover a period of at least ten years after the publication of the plan, and shall address the needs as listed in subsection 2 of section 26.804. The commission shall have authority over state programs, as provided by law, which are designed to remedy blight and deterioration of urban areas, and to facilitate the revitalization of, and to reverse, declining property values in distressed urban areas.**

**26.802. The commission shall consist of nine members, seven of whom shall be appointed by the governor, by and with the advice and consent of the senate, not more than four of whom shall be of the same political party. At least two appointed members of the commission shall be residents of the largest municipality in the state, at least two appointed members shall be residents of the second largest municipality in the state, and at least one member shall be a resident of the third largest municipality in the state. All appointed members shall have knowledge of and interest in the restoration, redevelopment, and revitalization of urban areas. The appointed members shall hold office for terms of six years beginning on the first day of July of consecutive odd years; provided, that for the original seven appointed members, the governor shall designate three members for terms expiring June 30, 2014, two members for terms expiring June 30, 2016, and two members for terms expiring June 30, 2018. If the governor fails to fill a vacancy caused by the death, resignation, or removal from office of any appointed member of the commission, or to replace an appointed member whose term has expired**

within thirty days of the occurrence of the vacancy or term expiration, the remaining members of the commission shall fill the vacancy for the unexpired term or replace the member whose term has expired for a six-year term. In addition to the members of the commission appointed by the governor, the state treasurer and state auditor shall serve as members of the commission. The members shall receive no salary or other compensation for their services as members, but shall receive reimbursement for actual and necessary expenses incurred in the performance of their duties. The members of the commission shall elect one of their members to serve as chair of the commission, and may elect other officers as deemed necessary.

**26.804. 1. The commission shall have the following powers and duties:**

(1) To accept, from any source, moneys and property paid, offered, or granted to the commission to be expended and used by the commission for the purposes specified in sections 26.800 to 26.806;

(2) To designate specific distressed urban areas in the state in which the commission shall direct a program of concentrated revitalization based on an assessment of extraordinary need;

(3) To develop a plan to effectuate such targeted concentrated revitalization in cooperation with federal, state, and local governments and agencies. Such plan may include the formation of nonprofit public development corporations or the activities of existing nonprofit corporations and entities, the redirection of existing programs and resources for the benefit of such areas, and proposals for the creation of new or expanded programs in such areas;

(4) To acquire, through purchase, donation, gift, or eminent domain, land in distressed urban areas, to remove obsolete, inefficient, dilapidated, or outdated structures and assemble suitable sites for building and development of industrial, business, and residential facilities to attract and house new industries and business and allow expansion and improvement of existing industrial, business, and residential operations. The commission shall exercise the right of eminent domain in the manner provided by law for the highways and transportation commission, and may sell, lease, or otherwise transfer or convey, on terms it deems appropriate, any interest it has in lands owned by the commission;

(5) To appoint an advisory commission from a distressed urban area, whose members shall include residents of the distressed urban area and representatives of business and industry in the distressed urban area. The advisory commission shall advise the commission regarding the creation of a program of concentrated revitalization for the distressed urban area based upon the commission's assessment of extraordinary need. The advisory commission may advise the commission concerning how the revitalization plan will be integrated with available community and governmental resources. The members of the advisory commission shall receive no compensation for their service as members of the advisory commission, but shall receive their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties;

(6) To apply for and receive grants, gifts, donations, and financial assistance from federal agencies or private individuals or entities to complete its duties;

(7) To provide relocation assistance, under sections 523.200 to 523.215, RSMo, to displaced persons who relocate permanently and voluntarily from real property as a direct result of the acquisition, rehabilitation, or demolition of, or the written notice of intent to acquire such real property, in whole or in part, by the commission;

(8) To provide assistance to municipalities and community organizations engaging in the improvement of economic opportunities, housing, and industrial and commercial revitalization of urban areas;

(9) To provide comprehensive information on existing federal, state, and local urban development and revitalization programs upon request to municipalities and community organizations;

(10) To coordinate the programs of state agencies and public benefit nonprofit corporations to remedy problems in distressed urban areas;

(11) To provide information and assistance to the governor and general assembly in the coordination, consolidation, and improvement of state policy regarding urban areas; and

(12) To represent the governor before federal agencies on matters of importance to coordinate policy for the revitalization of urban areas.

**2. The plan adopted by the commission shall address the following needs in distressed urban areas of the state:**

(1) Promoting a vigorous and growing economy;

(2) Preventing economic stagnation and encouraging of the creation of new job opportunities to ameliorate the hazards of unemployment and underemployment;

(3) Reducing the level of public assistance;

(4) Reducing the rate of crime and delinquency;

(5) Increasing the level of education;

- (6) Reversing declining property values in urban areas;
- (7) Increasing revenues to the state and municipalities; and
- (8) Achieving a diversified economy.

3. The comprehensive plan shall contain initial proposals for addressing revitalization of each identified distressed urban area and state a proposed time line for revitalization of each such area. The commission shall not be required to allocate resources in a particular geographic pattern or to all distressed urban areas simultaneously, and may concentrate all of its efforts in a particular distressed urban area or several distressed urban areas to the exclusion of other distressed urban areas until revitalization of such area is complete. The comprehensive plan shall be periodically updated by the commission, but the commission shall publish and operate under a current comprehensive plan prior to February 28, 2008.

4. For purposes of this section, "distressed urban area" means that portion of a municipality or municipalities which, by reason of structural age, obsolescence, inadequate or outmoded design, or physical deterioration, has become an economic or social liability; that such conditions are conducive to ill health, transmission of disease, crime, or the inability to pay reasonable taxes; and that conservation, restoration, redevelopment, and revitalization are necessary to correct such conditions.

5. The commission shall compile a full report of its findings for submission to the general assembly. The report shall be submitted not later than the fifteenth of January of each year in which the general assembly convenes in regular session. The commission shall also submit a report to the general assembly before undertaking any project, in which it identifies the nature and plan of the proposed project.

26.806. 1. There is hereby created in the state treasury the "Revitalization and Reconstruction Fund", which shall consist of money collected under sections 26.800 to 26.806. Upon appropriation, money in the fund shall be used solely for the administration of sections 26.800 to 26.806. The state treasurer shall deposit to the credit of the fund all moneys which may be appropriated to it by the general assembly and also any gifts, contributions, grants, bequests, or other aid received from federal, private, or other sources.

2. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. The state auditor shall periodically cause an audit to be made of the books, accounts, and records of the commission with respect to its receipts, disbursements, contracts, mortgages, leases, assignments, loans, and all other matters relating to its financial operations. Copies of the audit shall be furnished to the governor, the speaker of the house of representatives, and the president pro tem of the senate."; and

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

On motion of Representative Bowman, **House Amendment No. 18** was adopted.

Representative St. Onge offered **House Amendment No. 19**.

*House Amendment No. 19*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 696, Page 146, Section 620.1900, Line 29, by inserting after said line the following:

"701.450. 1. For any facility for which construction commences after August 28, 1995, which is constructed as a place of assembly for public amusement including, but not limited to, sports stadiums and arenas, auditoriums and assembly halls, there shall be provided an equal number of water closets for women as there are the number of water closets and urinals provided for men, and there shall be provided an equal number of diaper changing stations for men as there are the number provided for women.

2. Each facility described in subsection 1 of this section constructed or under construction prior to August 28, 1995, shall provide water closets in the same ratio as required in subsection 1 of this section whenever such facility undergoes major structural renovation.

3. As used in subsection 2 of this section, the term "major structural renovation" means any reconstruction, rehabilitation, addition or other improvement which requires more than fifty percent of the gross floor area of the existing facility to be rebuilt. The provisions of this act shall only apply to such portions of the building being renovated and not to the entire building.



4. Notwithstanding any provision of this section to the contrary, if any facility described in subsection 1 of this section located in a city not within a county is constructed in compliance with the requirements of the applicable building and plumbing codes of such city related to the minimum number of water closets that are designated for women, such facility shall not be required to comply with the requirements of subsection 1 of this section until one year following the date of its substantial completion."; and

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

On motion of Representative St. Onge, **House Amendment No. 19** was adopted.

Representative Meiners offered **House Amendment No. 20**.

*House Amendment No. 20*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 696, Section 290.152, Page 111, Line 32, by inserting after all of said line the following:

**“311.489. 1. A permit for the sale of intoxicating liquor as defined in section 311.020, and nonintoxicating beer as defined in section 312.010, RSMo, for consumption on premises where sold may be issued to any festival district that includes three or more businesses that are licensed bars, nightclubs, restaurants, or other entertainment venues and a common area that is closed to vehicle traffic, provided that the permit is held by a promotional association. A "promotional association" is defined as an entity formed by property owners who own or operate fifty percent or more of the square feet of bars, nightclubs, restaurants, and other entertainment venues located within the proposed district.**

**2. The promotional association may obtain a permit if the promotional association submits a plan to the governing municipality containing basic information, which includes the legal description of the district, the name and address of each business participating in the promotional association, the intended calendar of events for the district, a description of the proposed festival activities, proof of adequate insurance, and a description of security for any proposed festivals. Such permit shall cost three hundred dollars per year. Such plan may be amended during the year subject to governing municipality approval.**

**3. If the plan is approved, the promotional association may sell liquor for consumption within the district common areas between 9:00 a.m. and 1:00 a.m. on Monday through Saturday and between 11:00 a.m. and 12:00 a.m. on Sunday. However, if a promotional association is issued a license to sell intoxicating liquor under section 311.096, a festival district permit may allow for the conducting of sales within the hours of operation designated by such license. Such promotional association may permit customers to leave an establishment within the district after purchasing an alcoholic beverage and consume the beverage in the district common areas or another licensed establishment within the district. No person shall be allowed to take any alcoholic beverage outside the boundaries of the festival district.**

**4. If participating in a promotional association event, every bar, nightclub, restaurant, promotional association, or other entertainment venue that serves alcoholic beverages within the festival district shall use disposable paper, plastic, or foam cups or other light-weight containers for all alcoholic beverages that the bar, nightclub, restaurant, promotional association, or other entertainment venue sells within the festival district boundaries for consumption in the district common area.**

**5. If minors are allowed to enter the festival district, the applicant shall ensure that such minors are easily distinguished from persons of legal age.**

**6. The holder of the permit is solely responsible for any alcohol violations occurring within the common areas. For any violation of this chapter or of any rule or regulation of the supervisor of alcohol and tobacco control, the promotional association may be assessed a civil fine of not more than five thousand dollars. If a promotional association is found to be responsible for such violations at three separate events, then such promotional association shall not seek approval for subsequent plans without the prior written consent of the supervisor of alcohol and tobacco control. The promotional association's then current plan shall be deemed terminated, and the businesses participating in the promotional association's events shall not participate in activities permitted by subsection 3 of this section without prior written consent from the supervisor of alcohol and tobacco control.**

**7. The provisions of this section shall only apply to any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants.”; and**

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

On motion of Representative Meiners, **House Amendment No. 20** was adopted.

Representative Wilson (130) offered **House Amendment No. 21**.

*House Amendment No. 21*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 696, Page 107, Section 160.053, Line 20, by inserting after all of said line the following:

“168.015. 1. There is hereby established within the department of elementary and secondary education[,] the ["Missouri Advisory Council of Certification for Educators"] "**Commissioner's Advisory Council on Teacher Quality**", hereinafter known as the "advisory council", which shall be composed of [twenty-five] **twenty-seven** members to be appointed by the state board of education on the recommendation of the commissioner of education, **who shall serve as chair of the advisory council**. Of the [twenty-five] **twenty-seven** members [of the council.] :

(1) Fifteen [must] **shall** be active public school classroom teachers, **which may include guidance counselors, librarians, and vocational teachers;**

(2) **One shall be a local school board member;**

(3) **One shall be a state board of education member;**

(4) **Four shall be active school administrators, one elementary school building principal, one middle school building principal, one high school building principal, and one central office administrator;**

(5) **Four shall represent institutions of higher education with accredited teacher education programs, which may include public and private colleges and universities and community colleges; and**

(6) **Two additional members may be added as necessary, who are appointed by the commissioner.**

2. The duties and responsibilities of the advisory council shall include, but not be limited to:

(1) Making recommendations for the criteria and procedures whereby the quality and effectiveness of teacher and school administrator education programs **in all public and private colleges and universities and community colleges** within the state shall be evaluated;

(2) Making recommendations for the requirements for the certification **and renewal of certification** of public school teachers and administrators;

(3) Making recommendations for the standards for renewal **and upgrades** of certificates for public school teachers and administrators using academic course work [as well as other types of] , professional development, **and other requirements outlined in statute or rules and regulations;**

(4) **Making recommendations concerning rules and regulations with respect to the standards used to measure high-quality professional development and high-quality induction programs for teachers, support services, vocational educators, and administrators, including a review of programs and moneys appropriated under subsection 2 of section 160.530, RSMo;**

[(4)] (5) Making recommendations concerning rules and regulations [with respect to suspension and revocation of certificates of license to teach] **regarding recruitment and retention of teachers, teaching standards, beginning teacher assistance programs, mentoring programs, and teaching and learning conditions;**

[(5)] Requesting and receiving reports from committees consisting of representatives from various professional groups, qualified in respective curriculum areas and other specialized areas, to assist in the formulation of recommendations of the advisory committee to the commissioner of education with respect to certification of public school teachers and administrators;]

(6) Making recommendations for limiting the issuance of temporary **and provisional** certificates that are granted to those who do not meet the full requirements for certification, **state and local programs and assistance to promote retention and professional development of such teachers, and the requirements for such teachers to gain full certification;**

**3. Members shall serve without remuneration. From funds appropriated in accordance with subsection 2 of section 160.530, RSMo, the advisory council shall be reimbursed for travel and other expenses actually and necessarily incurred in the performance of their duties.”; and**

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

On motion of Representative Wilson (130), **House Amendment No. 21** was adopted.

Representative Lager offered **House Amendment No. 22**.

*House Amendment No. 22*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 696, Section 144.054, Page 106, Line 18, by inserting after the comma “,” the following:

**“animal slaughtering defined under the North American Industry Classification System (NAICS) code of 311611,”**; and

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

On motion of Representative Lager, **House Amendment No. 22** was adopted.

Representative Cooper (120) offered **House Amendment No. 23**.

*House Amendment No. 23*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 696, Page 1, Section in the Title, Line 11, by deleting the word **“projects”**; and

Further amend said bill, Page 106, Section 144.054, Line 23, by adding immediately prior to the period on said line the following:

**“and all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a contractor for use in fulfillment of any obligation under a defense contract with the United States government.**

144.518. **1.** In addition to the exemptions granted pursuant to section 144.030, there is hereby specifically exempted from the provisions of [sections 66.600 to 66.635, RSMo, sections 67.391 to 67.395, RSMo, sections 67.500 to 67.545, RSMo, section 67.547, RSMo, sections 67.550 to 67.594, RSMo, sections 67.665 to 67.667, RSMo, sections 67.671 to 67.685, RSMo, sections 67.700 to 67.727, RSMo, section 67.729, RSMo, sections 67.730 to 67.739, RSMo, sections 67.1000 to 67.1012, RSMo, section 82.850, RSMo, sections 92.325 to 92.340, RSMo, sections 92.400 to 92.421, RSMo, sections 94.500 to 94.570, RSMo, section 94.577, RSMo, sections 94.600 to 94.655, RSMo, section 94.660, RSMo, sections 94.700 to 94.755, RSMo, sections 94.800 to 94.825, RSMo, section 94.830, RSMo, sections 94.850 to 94.857, RSMo, sections 94.870 to 94.881, RSMo, section 94.890, RSMo,] sections 144.010 to 144.525, [and] sections 144.600 to 144.761, sections 190.335 to 190.337, RSMo, sections 238.235, **238.236**, and 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, [and] section 644.032, RSMo, **and any local sales tax law as defined in section 32.085, RSMo**, and from the computation of the tax levied, assessed or payable pursuant to [sections 66.600 to 66.635, RSMo, sections 67.391 to 67.395, RSMo, sections 67.500 to 67.545, RSMo, section 67.547, RSMo, sections 67.550 to 67.594, RSMo, sections 67.665 to 67.667, RSMo, sections 67.671 to 67.685, RSMo, sections 67.700 to 67.727, RSMo, section 67.729, RSMo, sections 67.730 to 67.739, RSMo, sections 67.1000 to 67.1012, RSMo, section 82.850, RSMo, sections 92.325 to 92.340, RSMo, sections 92.400 to 92.421, RSMo, sections 94.500 to 94.570, RSMo, section 94.577, RSMo, sections 94.600 to 94.655, RSMo, section 94.660, RSMo, sections 94.700 to 94.755, RSMo, sections 94.800 to 94.825, RSMo, section 94.830, RSMo, sections 94.850 to 94.857, RSMo, sections 94.870 to 94.881, RSMo, section 94.890, RSMo,] sections 144.010 to 144.525, sections 144.600 to 144.761, sections 190.335 to 190.337, RSMo, sections 238.235, **238.236**, and 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, [and] section 644.032, RSMo, [machines or parts for machines used in a commercial, coin-operated amusement and vending business] **and any local sales tax law as defined in section 32.085, RSMo, coin-operated amusement devices and parts for such**

devices purchased before September 1, 2006, where sales tax is paid on the gross receipts derived from the use of [commercial, coin-operated amusement and vending machines] such devices.

2. Beginning on September 1, 2006, in addition to any other exemptions provided by law, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.761, sections 190.335 to 190.337, RSMo, sections 238.235, 238.236, and 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, section 644.032, RSMo, and any local sales tax law as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525, sections 144.600 to 144.761, sections 190.335 to 190.337, RSMo, sections 238.235, 238.236, and 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, section 644.032, RSMo, and any local sales tax law as defined in section 32.085, RSMo, amounts paid for the temporary use of a coin-operated amusement device.

3. As used in this section, "coin-operated amusement device" means a device accepting payments or items representing payments to allow one or more users temporary use of the device for entertainment or amusement purposes. Such devices include but are not limited to video games, pinball games, table games such as billiards and air hockey, and redemption games such as the claw and skee ball that may award prizes of tangible personal property.

4. In addition to any other exemptions provided by law, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.761, sections 190.335 to 190.337, RSMo, sections 238.235, 238.236, and 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, section 644.032, RSMo, and any local sales tax law as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525, sections 144.600 to 144.761, sections 190.335 to 190.337, RSMo, sections 238.235, 238.236, and 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, section 644.032, RSMo, and any local sales tax law as defined in section 32.085, RSMo, vending machines or parts for vending machines used in a commercial vending business where sales tax is paid on the gross receipts derived from such vending machines"; and

Further amend said bill by amending the title and enacting clauses accordingly.

On motion of Representative Cooper (120), **House Amendment No. 23** was adopted.

Representative Dethrow offered **House Amendment No. 24**.

*House Amendment No. 24*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 696, Section 135.1170, Page 105, Line 68, by inserting after all of said line the following:

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

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

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

planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

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

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

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

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

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

(7) Animals or poultry used for breeding or feeding purposes;

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

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

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

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

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

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

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

director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the Missouri clean water commission which may uphold or reverse such action;

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

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

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

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

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

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

(22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, RSMo, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, RSMo, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon, and supplies and lubricants used exclusively, solely, and directly for producing

crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use;

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

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

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

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

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

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

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

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

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

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

(31) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (4) of subsection 2 of this section;

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

(33) Tangible personal property purchased for use or consumption directly or exclusively in the research and development of prescription pharmaceuticals consumed by humans or animals;

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

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

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

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

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

(37) Tangible personal property purchased for use or consumption directly or exclusively in research or experimentation activities performed by life science companies and so certified as such by the director of the department of economic development or the director's designees; except that, the total amount of exemptions certified pursuant to this section shall not exceed one million three hundred thousand dollars in state and local taxes per fiscal year. For purposes of this subdivision, the term "life science companies" means companies whose primary research activities are in agriculture, pharmaceuticals, biomedical or food ingredients, and whose North American Industry Classification System (NAICS) Codes fall under industry 541710 (biotech research or development laboratories), 621511 (medical laboratories) or 541940 (veterinary services). The exemption provided by this subdivision shall expire on June 30, 2003;

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

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

**(40) All sales of fencing materials used for agricultural purposes.**"; and

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

On motion of Representative Dethrow, **House Amendment No. 24** was adopted.

Representative Dempsey moved the previous question.



Which motion was adopted by the following vote:

AYES: 095

Avery	Baker 123	Bearden	Behnen	Bivins
Black	Bruns	Chinn	Cooper 120	Cooper 155
Cooper 158	Cunningham 145	Cunningham 86	Davis	Day
Deeken	Dempsey	Denison	Dethrow	Dixon
Dusenberg	Emery	Ervin	Faith	Fares
Fisher	Flook	Franz	Guest	Hobbs
Hunter	Icet	Johnson 47	Jolly	Jones
Kelly	Kingery	Kratky	Kraus	Lager
Lembke	Lipke	Loehner	May	McGhee
Meiners	Moore	Munzlinger	Muschany	Myers
Nance	Nieves	Nolte	Parker	Parson
Pearce	Phillips	Pollock	Portwood	Pratt
Quinn	Rector	Richard	Roark	Robb
Ruestman	Sander	Sater	Schaaf	Schad
Scharnhorst	Schlottach	Schneider	Self	Silvey
Smith 14	Smith 118	Smith 150	St. Onge	Sutherland
Threlkeld	Tilley	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wood
Wright 137	Wright 159	Yates	Young	Mr Speaker

NOES: 050

Aull	Baker 25	Bland	Bogetto	Boykins
Bringer	Burnett	Chappelle-Nadal	Corcoran	Curls
Dake	Darrough	Daus	Donnelly	El-Amin
Frame	Fraser	George	Harris 23	Harris 110
Haywood	Hoskins	Hubbard	Hughes	Kuessner
Lampe	LeVota	Liese	Low 39	Lowe 44
Oxford	Page	Robinson	Roorda	Rucker
Salva	Schoemehl	Shoemyer	Skaggs	Storch
Swinger	Villa	Vogt	Walsh	Walton
Wildberger	Witte	Wright-Jones	Yaeger	Zweifel

PRESENT: 009

Bowman	Brooks	Brown 50	Casey	Dougherty
Henke	Meadows	Wagner	Whorton	

ABSENT WITH LEAVE: 008

Bean	Brown 30	Jackson	Johnson 61	Johnson 90
Marsh	Spreng	Stevenson		

VACANCIES: 001

On motion of Representative Flook, **HCS SS SB 696, as amended**, was adopted.

On motion of Representative Flook, **HCS SS SB 696, as amended**, was read the third time and passed by the following vote:

AYES: 142

Aull	Avery	Baker 25	Baker 123	Bearden
Behnen	Bivins	Black	Bland	Bogetto
Bowman	Boykins	Brooks	Brown 50	Bruns
Burnett	Casey	Chinn	Chappelle-Nadal	Cooper 120
Cooper 155	Cooper 158	Corcoran	Cunningham 145	Cunningham 86
Curls	Dake	Daus	Davis	Day
Deeken	Dempsey	Denison	Dethrow	Dixon
Dougherty	Dusenberg	El-Amin	Emery	Ervin
Faith	Fares	Fisher	Flook	Frame
Franz	Fraser	George	Guest	Harris 23
Harris 110	Haywood	Henke	Hobbs	Hoskins
Hubbard	Hunter	Icet	Johnson 47	Jolly
Jones	Kelly	Kingery	Kratky	Kraus
Kuessner	Lager	Lampe	Lembke	Liese
Lipke	Loehner	Low 39	Lowe 44	May
McGhee	Meadows	Meiners	Moore	Munzlinger
Muschany	Myers	Nance	Nieves	Nolte
Page	Parker	Parson	Pearce	Phillips
Pollock	Portwood	Pratt	Quinn	Rector
Richard	Roark	Robb	Robinson	Roorda
Rucker	Ruestman	Sander	Sater	Schaaf
Scharmhorst	Schlottach	Schneider	Schoemehl	Self
Shoemyer	Silvey	Smith 14	Smith 118	Smith 150
St. Onge	Storch	Sutherland	Swinger	Threlkeld
Tilley	Viebrock	Villa	Vogt	Wagner
Wallace	Walsh	Walton	Wasson	Wells
Weter	Wilson 119	Wilson 130	Witte	Wood
Wright 137	Wright 159	Wright-Jones	Yates	Young
Zweifel	Mr Speaker			

NOES: 011

Bringer	Darrough	Donnelly	Hughes	LeVota
Oxford	Salva	Skaggs	Whorton	Wildberger
Yaeger				

PRESENT: 000

ABSENT WITH LEAVE: 009

Bean	Brown 30	Jackson	Johnson 61	Johnson 90
Marsh	Schad	Spreng	Stevenson	

VACANCIES: 001

Speaker Jetton declared the bill passed.

**PERFECTION OF HOUSE JOINT RESOLUTION**

**HJR 55, as amended**, relating to compensation of public officials, was taken up by Representative Lipke.

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

*House Amendment No. 2*

AMEND House Joint Resolution No. 55, Page 3, Section 3, Lines 66 through 69, by deleting all of said lines and inserting in lieu thereof the following:

“for each respective position. The commission shall file [its initial schedule] **separate schedules** of compensation **for elected state officials, members of the general assembly, and judges, respectively**, with the secretary of state and the revisor of statutes no later than the first day of December, [1996] **2006**, and by the first day of December each two years thereafter. [The] **Each separate** schedule of compensation shall become effective unless disapproved by concurrent resolution **naming a specific schedule and** adopted by **two-thirds of the elected members of each house of general assembly**”; and

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

Representative Pratt offered **House Substitute Amendment No. 1 for House Amendment No. 2**.

*House Substitute Amendment No. 1  
for  
House Amendment No. 2*

AMEND House Joint Resolution No. 55, Section 3, Page 3, Lines 66-70, by deleting all of said lines and inserting in lieu thereof the following:

“for each respective position. The commission shall file [its initial schedule] separate schedules of compensation **for elected state officials, judges, and members of the general assembly, respectively**, with the secretary of state and the revisor of statutes no later than the first day of December, [1996] 2006, and by the first day of December each two years thereafter. [The] Each separate schedule of compensation shall become effective unless disapproved by concurrent resolution **naming a specific schedule and** adopted by **two thirds of the elected members of each house of the general assembly before February 1 of the year following the filing of the schedule. Votes on the floor of either house of the general assembly on such resolutions shall proceed in the order listed above.** Each schedule shall be”; and

Further amend said resolution, Section B, Page 4, Lines 5-8, by deleting all of said lines and inserting in lieu thereof the following:

“Shall Article XIII, Section 3 of the Constitution be amended so that legislators, statewide officeholders, and judges forfeit state pensions upon removal for impeachment or misconduct, or upon felony conviction, and so that a citizens’ commission sets separate schedules of compensation for each office subject to a veto by two-thirds of the legislature?”; and

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

Representative Emery offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 2**.

*House Amendment No. 1*  
*to*  
*House Substitute Amendment No. 1*  
*for*  
*House Amendment No. 2*

AMEND House Substitute Amendment No. 1 for House Amendment No. 2 to House Joint Resolution No. 55, Page 1, Line 8, by deleting the phrase “two thirds” from said line and inserting in lieu thereof the phrase:

“simple majority”; and

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

Representative Emery moved that **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 2** be adopted.

Which motion was defeated.

**House Substitute Amendment No. 1 for House Amendment No. 2** was withdrawn.

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

On motion of Representative Lipke, **HJR 55, as amended**, was ordered perfected and printed.

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

**SS SCS HCS HB 1944, as amended**, relating to eminent domain, was taken up by Representative Hobbs.

Representative Hobbs moved that the House refuse to adopt **SS SCS HCS HB 1944, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

**SS SCS HCS HB 1306, as amended**, relating to Missouri State Employees’ Retirement System, was taken up by Representative Smith (118).

Representative Smith (118) moved that the House refuse to adopt **SS SCS HCS HB 1306, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference and that the House conferees be allowed to exceed the differences.

Which motion was adopted.

## **REFERRAL OF HOUSE RESOLUTION**

The following House Resolution was referred to the Committee indicated:

**HR 2446** - Rules

## **REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HB 1930** - Fiscal Review (Fiscal Note)

## **REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

**SCS SBs 1239 & 1091** - Fiscal Review (Fiscal Note)

## **COMMITTEE REPORTS**

**Committee on Insurance Policy**, Chairman Yates reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **SS SCS SB 953**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

**Committee on Judiciary**, Chairman Pratt reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **SS SB 1058**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

**Special Committee on General Laws**, Chairman Roark reporting:

Mr. Speaker: Your Special Committee on General Laws, to which was referred **SS SCS SB 904**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Cooper (120) reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 616**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SCS SB 976**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rule, to which was referred **HCS SB 1103**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 1222**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SBs 1239 & 1091**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2016**, begs leave to report it has examined the same and recommends that it **Do Pass**.

### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HBs 1698, 1236, 995, 1362 & 1290**, entitled:

An act to repeal sections 43.650, 217.735, 547.170, 556.061, 558.018, 559.100, 559.106, 566.010, 566.030, 566.060, 566.067, 566.083, 566.086, 566.090, 566.145, 566.147, 566.151, 568.020, 568.060, 575.195, 589.400, 589.402, 589.403, 589.405, 589.407, 589.414, 589.425, 600.042, 632.484, 632.489, 632.495, 632.498, 632.501, 632.504, and 632.507, RSMo, and to enact in lieu thereof forty-five new sections relating to sexual offenders, with penalty provisions and an emergency clause.

With Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6 and Senate Amendment No. 7.

#### *Senate Amendment No. 2*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1698, 1236, 995, 1362 & 1290, Pages 34-35, Section 568.060, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

#### *Senate Amendment No. 3*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1698, 1236, 995, 1362 & 1290, Page 35, Section 568.060, Line 3 of said line, by inserting immediately after said line the following:

"573.010. As used in this chapter the following terms shall mean:

- (1) "Child", any person under the age of fourteen;
- (2) "Child pornography"[,] :

(a) Any obscene material or performance depicting sexual conduct, sexual contact, or a sexual performance, as these terms are defined in section 556.061, RSMo, and which has as one of its participants or portrays as an observer of such conduct, contact, or performance a [child] **minor** under the age of eighteen; **or**

(b) **Any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct where:**

**a. The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;**

**b. Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or**

**c. Such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct;**

(3) "Displays publicly", exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway or public sidewalk, or from the property of others or from any portion of the person's store, or the exhibitor's store or property when items and material other than this material are offered for sale or rent to the public;

(4) "Explicit sexual material", any pictorial or three dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals; provided, however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition;

(5) "Furnish", to issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide;

(6) **"Graphic", when used with respect to a depiction of sexually explicit conduct, that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted;**

(7) **"Identifiable minor":**

(a) **A person:**

a. (i) **Who was a minor at the time the visual depiction was created, adapted, or modified; or**

(ii) **Whose image as a minor was used in creating, adapting, or modifying the visual depiction; and**

b. **Who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and**

(b) **The term shall not be construed to require proof of the actual identity of the identifiable minor;**

(8) **"Indistinguishable", when used with respect to a depiction, virtually indistinguishable, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct. Indistinguishable does not apply to depictions that are drawings, cartoons, sculptures, or paintings depicting minors or adults;**

(9) "Material", anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. "Material" includes undeveloped photographs, molds, printing plates, stored computer data and other latent representational objects;

[(7)] (10) "Minor", any person under the age of eighteen;

[(8)] (11) "Nudity", the showing of postpubertal human genitals or pubic area, with less than a fully opaque covering;

[(9)] (12) "Obscene", any material or performance is obscene if, taken as a whole:

(a) Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and

(b) The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and

(c) A reasonable person would find the material lacks serious literary, artistic, political or scientific value;

[(10)] (13) "Performance", any play, motion picture film, videotape, dance or exhibition performed before an audience of one or more;

[(11)] (14) "Pornographic for minors", any material or performance is pornographic for minors if the following apply:

(a) The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors; and

(b) The material or performance depicts or describes nudity, sexual conduct, sexual excitement, or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and

(c) The material or performance, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors;

[(12)] (15) "Promote", to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same, by any means including a computer;

[(13)] (16) "Sadomasochistic abuse", flagellation or torture by or upon a person as an act of sexual stimulation or gratification;

[(14)] (17) "Sexual conduct", actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification;

**(18) "Sexually explicit conduct", actual or simulated:**

**(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex:**

**(b) Bestiality;**

**(c) Masturbation;**

**(d) Sadistic or masochistic abuse; or**

**(e) Lascivious exhibition of the genitals or pubic area of any person;**

[(15)] (19) "Sexual excitement", the condition of human male or female genitals when in a state of sexual stimulation or arousal;

**(20) "Visual depiction", includes undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image;**

[(16)] (21) "Wholesale promote", to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, or to offer or agree to do the same for purposes of resale or redistribution."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 4*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1698, 1236, 995, 1362 & 1290, Page 38, Section 589.400, Line 17, by inserting immediately after said line the following:

**"2. Notwithstanding the provisions of subsection 1 of this section, the court shall have discretion over whether a person shall be required to register under sections 589.400 to 589.425 if such person is nineteen years of age or younger and the victim is thirteen years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the offense.";** and

Further amend said bill, said section, Page 40, Line 21, by striking the word "fourteen" and inserting in lieu thereof the word "**thirteen**"; and

Further renumber the remaining subsections accordingly.

*Senate Amendment No. 5*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1698, 1236, 995, 1362 & 1290, Page 22, Section 566.010, Line 20, by inserting immediately after said line the following:

"566.020. 1. Whenever in this chapter the criminality of conduct depends upon a victim's being incapacitated, no crime is committed if the actor reasonably believed that the victim was not incapacitated and reasonably believed that the victim consented to the act. The defendant shall have the burden of injecting the issue of belief as to capacity and consent.

2. Whenever in this chapter the criminality of conduct depends upon a child being thirteen years of age or younger, it is no defense that the defendant believed the child to be older.

3. Whenever in this chapter the criminality of conduct depends upon a child being under seventeen years of age, it is an affirmative defense that the defendant reasonably believed that the child was seventeen years of age or older.

**4. Consent is not an affirmative defense to any offense under Chapter 566 if the alleged victim is less than twelve years of age.";** and

Further amend said bill, said page, Section 566.030, Lines 27-28, by striking all of said lines; and

Further amend said bill and section, Page 23, Line 14, by striking the words "twenty-five" and inserting in lieu thereof the word "**thirty**"; and



Further amend said bill, Page 24, Section 566.060, Lines 5-7, by striking all of said lines and inserting in lieu thereof the following "sexual intercourse."; and

Further amend said bill, section and page, Line 20, by striking the words "twenty-five" and inserting in lieu thereof the word "**thirty**"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 6*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1698, 1236, 995, 1362 & 1290, Page 33, Section 566.213, Line 14, by inserting immediately after said line the following:

**"566.265. If a corporation or other business pleads guilty to or is found guilty of violating section 566.203, 566.206, 566.209, 566.212, 566.213, or 566.215, in addition to the criminal penalties described in such sections and other remedies provided for by law, the court may:**

- (1) Order its dissolution or reorganization;**
- (2) Order the suspension or revocation of any license, permit, or prior approval granted to it by the state;**
- (3) Order the surrender of its charter if it is organized under Missouri law or the revocation of its certificate to conduct business in Missouri if it is not organized under Missouri law.";** and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 7*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1698, 1236, 995, 1362 & 1290, Page 33, Section 566.213, Line 14, by inserting immediately after said line the following:

**"567.085. 1. A person commits the crime of promoting travel for prostitution if the person knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in prostitution as defined by section 567.010.**

**2. The crime of promoting travel for prostitution is a class C felony.**

**567.087. 1. No travel agency or charter tour operator shall:**

- (1) Promote travel for prostitution under section 567.085;**
- (2) Sell, advertise, or otherwise offer to sell travel services or facilitate travel:**
  - (a) For the purpose of engaging in a commercial sex act as defined in section 566.200, RSMo;**
  - (b) That consists of tourism packages or activities using and offering any sexual contact as defined in section 566.010, RSMo, as enticement for tourism; or**
  - (c) That provides or purports to provide access to or that facilitates the availability of sex escorts or sexual services.**

**2. There shall be a rebuttable presumption that any travel agency or charter tour operator using advertisements that include the term "sex tours" or "sex travel" or include depictions of human genitalia is in violation of this section.**

**567.089. 1. No travel agency or charter tour operator shall engage in selling, advertising, or otherwise offering to sell travel services, tourism packages, or activities that solicit, encourage, or facilitate travel for the purpose of engaging in prostitution.**

**2. Upon violation of this section by a travel agency or charter tour operator, the secretary of state shall revoke the articles of incorporation of the travel agency or charter tour operator. The secretary of state, as part of a proceeding brought under this section, may order a freeze of the bank or deposit accounts of the travel agency or charter tour operator.";** and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS#2 HB 1703**, entitled:

An act to repeal sections 537.620 and 537.640, RSMo, and to enact in lieu thereof two new sections relating to insurance pooling.

With Senate Perfecting Amendment No. 1.

*Senate Perfecting Amendment No. 1*

AMEND House Committee Substitute No. 2 for House Bill No. 1703, Page 1, Section 537.620, Line 9, by striking the following:

“375.949” and inserting in lieu thereof the following:

“**375.948**”.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SS#2 SCS SB 583**, and has taken up and passed **HCS SS#2 SCS SB 583**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 614, as amended**, and has taken up and passed **HCS SCS SB 614, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 980, as amended**, and has taken up and passed **HCS SB 980, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 1017, as amended**, and requests the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HCS HB 1944, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Koster, Gibbons, Shields, Coleman and Kennedy.

## **APPOINTMENT OF CONFERENCE COMMITTEES**

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

**HCS SCS SB 773:** Representatives Munzlinger, Fisher, Cooper (120), Rucker and Harris (110)  
**SS SCS HCS HB 1944:** Representatives Hobbs, Richard, Pratt, Henke and Johnson (61)

## **COMMITTEE CHANGE**

The Speaker submitted the following Committee change:

Representative Scott Muschany has been appointed a member of the Joint Committee on Legislative Research.

## **COMMUNICATIONS**

May 4, 2006

The Honorable Rod Jetton  
Speaker, Missouri House of Representatives  
State Capitol Building  
Jefferson City, MO 65101

Dear Mr. Speaker:

I respectfully resign my House seat, District 13, effective immediately.

Thank you.

Sincerely,

/s/ Scott T. Rupp  
District 13

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May 4, 2006

Mr. Steve Davis  
Chief Clerk  
Missouri House of Representatives

Dear Mr. Davis:

The Committee on Budget has adopted the attached motion under Section 33.282, RSMo, and request that it be printed in the Journal of the House.

Sincerely,

/s/ Allen Icet  
State Representative  
District 84

**MOTION OF APPROVAL PURSUANT TO SECTION 33.282, RSMo.**

Having reviewed the estimates of new tax credits for Fiscal Year 2007 submitted to the Chairman of the House Budget Committee by the Budget Director to Section 33.282, RSMo, the Committee on Budget, under the authority of Section 33.282, hereby approves those estimated new tax credits for any tax year beginning after July 1, 2006 and before June 30, 2007, and directs the Chairman of the Committee to report adoption of this Motion to the Chief Clerk of the House and request that the Motion be printed in the Journal of the House.

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1022**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1022, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1022.
2. That the House recede from its position on House Committee Substitute for House Bill No. 1022.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1022, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Chuck Gross  
/s/ Charlie Shields  
/s/ Michael Gibbons  
/s/ Chuck Graham  
/s/ Charles Wheeler

FOR THE HOUSE:

/s/ Allen Icet  
/s/ Ed Robb  
/s/ Carl Bearden

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 666**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 666, with House Amendment Nos. 1, 2, 3, and 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 666, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 666;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 666, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Kevin Engler  
/s/ Dan Clemens  
/s/ Jack Goodman  
/s/ Joan Bray  
/s/ Chuck Graham

FOR THE HOUSE:

/s/ Mark Bruns  
/s/ Mike Dethrow  
/s/ Marilyn Ruestman  
/s/ Thomas Villa  
/s/ Jim Whorton

**CONFERENCE COMMITTEE REPORT NO. 2  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 932**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 932 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 932;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 932;

3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 932, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Delbert Scott  
/s/ John Griesheimer  
/s/ Chuck Purgason  
/s/ Victor Callahan  
/s/ Rita Heard Days

FOR THE HOUSE:

/s/ Larry Wilson  
/s/ Bob Johnson  
/s/ Todd Smith  
/s/ Wes Wagner  
/s/ Brad Robinson

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NOS. 1001, 896 & 761**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1001, 896 & 761, with House Amendment Nos. 1, 2, and 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1001, 896 & 761, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill Nos. 1001, 896 & 761;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1001, 896 & 761, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ John Griesheimer  
/s/ Bill Stouffer  
/s/ Bill Alter  
/s/ Rita Heard Days  
/s/ Victor Callahan

FOR THE HOUSE:

/s/ Neal St. Onge  
/s/ Mike Parson  
/s/ Charles Schlottach

**RECESS**

On motion of Representative Dempsey, the House recessed until the Conference Committee Reports on **SS SCS HCS HB 1944** and **SCS HB 1865** have been distributed.

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

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1944**

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1944, with Senate Amendment No. 1 to Senate Substitute Amendment No. 1 for Senate Amendment No. 1, Senate Substitute Amendment No. 1 for Senate Amendment No. 1, as amended, Senate Amendment Nos. 2, 5, 6, and 7, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1944, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 1944;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1944, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Chris Koster  
/s/ Michael Gibbons  
/s/ Charles Shields  
/s/ Maida Coleman  
/s/ Harry Kennedy

FOR THE HOUSE:

/s/ Steve Hobbs  
/s/ Ronald Richard  
/s/ Byran Pratt  
/s/ Wayne Henke

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1865**

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 1865, with Senate Amendment No. 1 and Senate Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1865, as amended;
2. That the House recede from its position on House Bill No. 1865;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 1865, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Charles Shields  
/s/ Gary Nodler  
/s/ Michael Gibbons

FOR THE HOUSE:

/s/ Carl Bearden  
/s/ Scott Muschany  
/s/ Gayle Kingery

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 983**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 984**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 1053**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 1138**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 1180**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1204**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1222**.



Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1234**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1245**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 1256**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 1343**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 1344**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1393**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1427**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1488**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1491**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1494**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 1515**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 1552**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 1559**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HBs 1617 & 1374**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1715**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1732**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 1739**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 1759**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1827**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1857**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1858**.

### ADJOURNMENT

On motion of Speaker Pro Tem Bearden, the House adjourned until 9:00 a.m., Friday, May 5, 2006.

### CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Sixty-sixth Day, Wednesday, May 3, 2006, Page 1459, Line 36, by deleting the words "**a challenge**" and inserting in lieu thereof the words "**a challenger**".

### AFFIDAVIT

I, State Representative Robin Wright-Jones, District 63, hereby state and affirm that my vote as recorded on the motion for the previous question on the motion to adopt the emergency clause for HCS SS#2 SCS SB 1014 as recorded in the House Journal for Thursday, May 4, 2006 showing that I voted "absent with leave" was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted "no". I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 4th day of May 2006.

/s/ Robin Wright-Jones  
State Representative

State of Missouri        )  
                                  ) ss.  
County of Cole         )

Subscribed and sworn to before me this 4th day of May in the year 2006.

/s/ Stephen S. Davis  
Chief Clerk

## COMMITTEE MEETINGS

### FISCAL REVIEW

Friday, May 5, 2006, 9:00 a.m. Hearing Room 1.  
Any bills or matters referred to the Fiscal Review Committee.  
Executive session may follow.

### JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Monday, May 8, 2006, 10:00 a.m. Hearing Room 6.  
Legislative Budget Office.  
Some portions of the meeting may be closed pursuant to Section 610.021.

### JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

Tuesday, May 9, 2006, Hearing Room 3 upon morning recess.  
Vote on license plate.  
Executive session

### JUDICIARY

Friday, May 5, 2006, House Chamber side gallery upon morning adjournment.  
Executive session may follow.  
Public hearing to be held on: SB 589

### RULES

Friday, May 5, 2006, Hearing Room 7 upon adjournment.  
Executive session may follow.  
Public hearing to be held on: HR 2446

### RULES [PURSUANT TO RULE 25(26)(f)]

Friday, May 5, 2006, Hearing Room 7 upon adjournment. AMENDED  
Public hearings to be held on: HCS HR 2295, SJR 26, HCS SCS SB 961,  
HCS SB 689, HCS SB 770, HCS SB 1037, HCS SCS SBs 1185, 1163, 1174, 1200 & 1225,  
HCS SS SCS SB 1041, SCS SB 1140, SCS SBs 1031 & 846, HCS#2 SCS SB 1221,  
HCS SB 873, HCS SCS SBs 567 & 792, HCS SS SCS SB 953, HCS SS SCS SB 904,  
SB 1107, HCS SS SB 1058

### SPECIAL COMMITTEE ON IMMIGRATION REFORM

Friday, May 5, 2006, 8:30 a.m. Hearing Room 4.  
Executive session.  
Informational comments will be taken from Senator Gross,  
Representatives Nolte, Davis, Wildberger and Kraus.

**HOUSE CALENDAR**

SIXTY-EIGHTH DAY, FRIDAY, MAY 5, 2006

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HJR 40 - Avery
- 2 HJR 44 - Whorton
- 3 HCS HJR 48 - Bearden
- 4 HCS HJR 31 - Cunningham (86)

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1151 - Cunningham (86)
- 2 HCS HB 974 - Davis
- 3 HB 1498 - Dethrow (4 hours debate on Perfection)
- 4 HB 1071 - Phillips
- 5 HCS HB 1378, 1379, 1391 & 1541 - St. Onge
- 6 HCS HB 1487 - Parker
- 7 HCS HB 1726 - Johnson (47)
- 8 HCS HB 1155 - Yates
- 9 HCS HB 1194 - Cunningham (86)
- 10 HCS HB 1162 - Deeken
- 11 HB 1412 - Portwood
- 12 HCS HB 1928 - Ervin
- 13 HCS HB 1939 - Hunter
- 14 HCS HB 1607 - Schneider
- 15 HCS HB 1761 - Loehner
- 16 HB 1975 - Cunningham (145)
- 17 HB 1560 - Bearden
- 18 HB 1642 - Cunningham (145)
- 19 HB 1704, as amended - St. Onge
- 20 HCS HB 1749 - Cooper (120)
- 21 HB 2038 - Moore
- 22 HCS HB 1651 & 1608 - Yates
- 23 HB 2111 - Hubbard
- 24 HCS HB 1868 - Faith
- 25 HCS HB 2040 - Richard
- 26 HB 1537 - Schaaf
- 27 HCS HB 2047 - Johnson (47)
- 28 HCS#2 HB 2008, 1218 & 1062 - Muschany
- 29 HB 1946 - El-Amin
- 30 HB 1184 - Stevenson
- 31 HCS HB 1340, 1549, 1918 & 1998 - Schlottach
- 32 HCS HB 1968 - Zweifel
- 33 HCS HB 1147 - Bivins
- 34 HCS HB 1465 - Hunter

- 35 HCS HB 1600 - Viebrock
- 36 HCS HB 1730 - Schlottach
- 37 HCS HB 1089 - Schaaf
- 38 HCS HB 1751 - Munzlinger
- 39 HCS HB 1273 & 1136 - Baker (123)
- 40 HCS HB 1327 - Schaaf
- 41 HB 1853 - Bland
- 42 HCS HB 2016 - Schlottach

**HOUSE BILLS FOR PERFECTION - INFORMAL**

- 1 HCS HB 1783 & 1479 - Bearden (3 hours debate on Perfection)
- 2 HCS HB 1316 - Lipke (2 hours debate on Perfection)
- 3 HB 1499, as amended - May
- 4 HCS HB 1080, HA 1, pending - Schaaf

**HOUSE JOINT RESOLUTION FOR THIRD READING**

HJR 55 - Lipke

**HOUSE BILL FOR THIRD READING**

HB 1930, (Fiscal Review 5-04-06) - Hubbard

**HOUSE CONCURRENT RESOLUTIONS**

- 1 HCR 30, (3-29-06, Pages 753-754) - Wilson (130)
- 2 HCS HCR 33, (4-18-06, Page 1108) - Dethrow
- 3 HCR 40, (4-13-06, Pages 1072-1073) - Ervin
- 4 HCR 26, (4-19-06, Pages 1141-1142) - Dixon
- 5 HCR 36, (4-19-06, Pages 1144-1145) - Hunter
- 6 HCR 31, (4-24-06, Pages 1206-1207) - Fraser
- 7 HCR 49, (4-27-06, Pages 1316-1317) - Emery
- 8 HCS HCR 34, (4-12-06, Page 1042) - Myers

**SENATE BILLS FOR THIRD READING - CONSENT**

- 1 HCS SB 712, E.C. - Bruns
- 2 SCS SB 870, E.C. - Cooper (158)
- 3 SB 881 - Robinson
- 4 SB 919 - Rector
- 5 SB 931 - Parson
- 6 SB 964 - Jackson
- 7 SB 990, as amended - Bruns
- 8 SCS#2 SB 1003, E.C. - Bruns
- 9 SB 1057 - Behnen
- 10 SCS SB 1059 - Roorda

- 11 SCS SB 1060 - Jackson
- 12 SB 1085 - Cooper (155)
- 13 SB 1139 - Yaeger
- 14 SB 1146 - Pratt
- 15 SB 1197 - Viebrock
- 16 SB 1208 - Pratt
- 17 SB 1216 - Wasson

**SENATE BILLS FOR THIRD READING**

- 1 SB 766 - Bruns
- 2 SB 818 - Smith (118)
- 3 HCS SCS SB 878 - Stevenson
- 4 HCS SCS SB 1048 - Schaaf
- 5 HCS SB 629 - Faith
- 6 HCS SB 697 - St. Onge
- 7 HCS SS SCS SBs 872, 754 & 669, as amended - St. Onge
- 8 SCS SB 1008 - Myers
- 9 SB 726 - May
- 10 SB 779 - Harris (110)
- 11 SB 822, E.C. - Sater
- 12 HCS SS SCS SB 892 - Cunningham (145)
- 13 HCS SB 908 - St. Onge
- 14 HCS SCS SB 1064 - St. Onge
- 15 HCS SB 735 - Pratt
- 16 SB 1101 - Schlottach
- 17 HCS SCS SB 1175 - Nance
- 18 HCS SS SCS SB 590 - Kingery
- 19 HCS SS SCS SBs 613, 1030 & 899, E.C. - Cooper (120)
- 20 HCS SS SCS SB 825 - Pratt
- 21 HCS SCS SB 915 - Rector
- 22 HCS SB 951 - Nance
- 23 HCS SB 1002 - Black
- 24 SS SB 1066 - Rector
- 25 HCS SB 1124 - Behnen
- 26 SB 643 - Smith (118)
- 27 HCS SS SCS SB 894, E.C. - Muschany
- 28 HCS SS SCS SB 912 - Baker (123)
- 29 HCS SCS SB 925 - Bivins
- 30 HCS SS SCS SB 832 - Johnson (47)
- 31 HCS SB 884 - Johnson (47)
- 32 HCS SB 965 - Threlkeld
- 33 HCS SCS SB 968 - Walsh
- 34 SS SCS SB 718 - Pearce
- 35 HCS SB 780 - Rector
- 36 HCS SB 805, (Fiscal Review 5-03-06) - Smith (14)
- 37 HCS SS SCS SB 882 - Cooper (120)

- 38 SB 938 - St. Onge
- 39 HCS SB 1023 - Johnson (61)
- 40 SCS SB 1081 - Bivins
- 41 SS SCS SB 1236 - Tilley
- 42 HCS SCS SB 646, E.C. - Schlottach
- 43 HCS SCS SB 746 - Whorton
- 44 HCS SS SCS SB 969 - St. Onge
- 45 HCS SS SCS SB 1229 - Dixon
- 46 HCS SS SCS SB 976, E.C. - Robb
- 47 HCS SB 1103 - Wasson
- 48 SCS SB 1222 - Wasson
- 49 SCS SBs 1239 & 1091, (Fiscal Review 5-04-06) - Sater

### **SENATE CONCURRENT RESOLUTION FOR THIRD READING**

SCS SCR 24, (4-13-06, Pages 1078-1079) - Ruestman

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

- 1 SCS HB 1601, E.C. - Weter
- 2 HB 1687, SCA 1 - Wright (137)
- 3 SCS HB 1437 - Threlkeld
- 4 SCS HCS HB 1787, E.C. - Jackson
- 5 SCS HCS HB 1762 - Wilson (119)
- 6 SCS HCS HB 1382 & 1158 - Kraus
- 7 SCS HCS HB 1449 - Wright (159)
- 8 SCS HB 1707 - Dusenberg
- 9 SCS HB 1509 - Bruns
- 10 SCS HCS HB 977 - Whorton
- 11 SCS HCS HB 1440 - Sutherland
- 12 HCS#2 HB 1703, SPA 1 - Yates
- 13 SS SCS HCS HB 1698, 1236, 995, 1362 & 1290, as amended, E.C. - Lipke

### **BILLS CARRYING REQUEST MESSAGES**

- 1 HCS SB 1017, as amended,  
(request House recede/grant conference) - Loehner
- 2 SS SCS HCS HB 1306, as amended,  
(request Senate recede/grant conference/exceed differences) - Smith (118)

### **BILLS IN CONFERENCE**

- 1 SCS HCS HB 1270 & 1027, as amended - Behnen
- 2 CCR HCS SCS SBs 1001, 896 & 761, as amended, E.C. - St. Onge
- 3 CCR#2 HCS SCS SB 932 - Wilson (119)
- 4 CCR SCS HB 1865, as amended - Bearden
- 5 HCS SCS SB 773, as amended - Fisher

- 6 CCR HCS SCS SB 666, as amended - Bruns
- 7 CCR SCS HCS HB 1022, as amended - Icet
- 8 CCR SS SCS HCS HB 1944, as amended - Hobbs

#### **SENATE CONCURRENT RESOLUTIONS**

- 1 SCS SCR 21, (1-24-06, Pages 115-116) - Ervin
- 2 SCS SCR 25, (2-16-06, Pages 273-274) - Dixon
- 3 SCR 27, (3-16-06, Pages 631-632) - Cooper (158)
- 4 HCS SCR 31, (4-26-06, Pages 1281-1282) - Dethrow

#### **HOUSE RESOLUTIONS**

- 1 HCS HR 1131, (4-13-06, Pages 1074-1075) - Hughes
- 2 HR 1930, (4-27-06, Pages 1315-1316) - Emery
- 3 HR 1475, (4-25-06, Pages 1252-1253) - Wright (137)
- 4 HR 2439, (4-27-06, Pages 1318-1319) - Wood