

# JOURNAL OF THE HOUSE

Second Regular Session, 94th GENERAL ASSEMBLY

SEVENTY-FIRST DAY, TUESDAY, MAY 13, 2008

The House met pursuant to adjournment.

Speaker Jetton in the Chair.

Prayer by Msgr. Donald W. Lammers.

Almighty God, we pray for the people of our State, especially those who have lost their lives, lost loved ones, and lost their homes and property in the tornadoes. By Your inspiration continue sending good Samaritans to help them.

We pray for those who suffer from excessive rainfall and floodwaters, and for those in agriculture who struggle to get crops planted.

Lord God, by Your Fatherly care, bless the youth and children of our State; give them the grace to complete the school year with grades showing growth in wisdom, age and grace before God and man.

Finally, we pray for ourselves. We ask for the strength and perseverance to give each topic on the agenda of this day the attention it deserves. May Your Word in Psalm 106 be fulfilled in us. "Happy are they who observe what is right, who do always what is just" (*Psalm 106:3*).

To You be glory and honor. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Adam Kidwell.

The Journal of the seventieth day was approved as corrected.

## SENATE CONCURRENT RESOLUTION

**SCR 31**, relating to Chamois ferryboat project, was taken up by Representative Loehner.

On motion of Representative Loehner, **SCR 31** was adopted by the following vote:

AYES: 142

Aull	Baker 25	Baker 123	Bivins	Brandom
Bringer	Brown 30	Bruns	Burnett	Casey
Chappelle-Nadal	Cooper 120	Cooper 155	Cox	Cunningham 145
Cunningham 86	Curls	Darrough	Daus	Davis
Day	Deeken	Denison	Dethrow	Dixon
Donnelly	Dougherty	Dusenberg	Emery	Ervin

Faith	Fallert	Fares	Fisher	Flook
Frame	Franz	Funderburk	George	Grill
Grisamore	Guest	Harris 110	Hobbs	Hodges
Holsman	Hoskins	Hubbard	Hughes	Icet
Johnson	Jones 89	Jones 117	Kelly	Kingery
Komo	Kratky	Kraus	Kuessner	Lampe
Lembke	LeVota	Liese	Lipke	Loehner
Low 39	Lowe 44	May	McClanahan	McGhee
Meadows	Meiners	Munzlinger	Nance	Nasheed
Nieves	Nolte	Norr	Onder	Oxford
Parkinson	Parson	Pearce	Pollock	Portwood
Pratt	Quinn 7	Richard	Robb	Robinson
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schneider	Schoeller
Schoemehl	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Stevenson	St. Onge	Storch
Stream	Sutherland	Swinger	Thomson	Threlkeld
Tilley	Todd	Viebrock	Villa	Vogt
Wallace	Walsh	Wasson	Wells	Weter
Wildberger	Wilson 119	Wilson 130	Witte	Wood
Wright 159	Yaeger	Yates	Young	Zimmerman
Zweifel	Mr Speaker			

NOES: 001

Talboy

PRESENT: 000

ABSENT WITH LEAVE: 018

Avery	Bland	Brown 50	Corcoran	El-Amin
Harris 23	Haywood	Hunter	Kasten	Marsh
Moore	Muschany	Page	Quinn 9	Spreng
Walton	Whorton	Wright-Jones		

VACANCIES: 002

## HOUSE RESOLUTION

**HR 185**, relating to house employees, was taken up by Representative Jones (117).

On motion of Representative Jones (117), **HR 185** was adopted by the following vote:

AYES: 144

Aull	Baker 123	Bivins	Brandom	Bringer
Brown 30	Brown 50	Bruns	Burnett	Casey
Chappelle-Nadal	Cooper 120	Cooper 155	Cox	Cunningham 145
Cunningham 86	Curls	Darrough	Daus	Davis
Day	Deeken	Denison	Dethrow	Dixon
Donnelly	Dougherty	Dusenberg	Emery	Ervin
Faith	Fallert	Fares	Fisher	Flook
Funderburk	George	Grill	Grisamore	Guest
Harris 110	Hobbs	Hodges	Holsman	Hoskins

Hubbard	Hughes	Hunter	Icet	Johnson
Jones 89	Jones 117	Kasten	Kelly	Kingery
Komo	Kratky	Kraus	Kuessner	Lampe
LeVota	Liese	Lipke	Loehner	Low 39
Lowe 44	May	McClanahan	McGhee	Meadows
Meiners	Moore	Munzlinger	Muschany	Nance
Nasheed	Nieves	Nolte	Norr	Onder
Oxford	Parkinson	Parson	Pearce	Pollock
Portwood	Pratt	Quinn 7	Richard	Robb
Robinson	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schneider
Schoeller	Schoemehl	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Stevenson	St. Onge
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Threlkeld	Todd	Viebrock	Villa
Vogt	Wallace	Walsh	Wasson	Wells
Weter	Whorton	Wildberger	Wilson 119	Wilson 130
Witte	Wood	Wright 159	Yaeger	Yates
Young	Zimmerman	Zweifel	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 017

Avery	Baker 25	Bland	Corcoran	El-Amin
Frame	Franz	Harris 23	Haywood	Lembke
Marsh	Page	Quinn 9	Spreng	Tilley
Walton	Wright-Jones			

VACANCIES: 002

### APPOINTMENT OF CONFERENCE COMMITTEE

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

**SCS HCS HB 2279:** Representatives Wright, Schoeller, Emery, Walsh and Skaggs

### THIRD READING OF SENATE BILLS - INFORMAL

**HCS SCS SB 720, as amended,** relating to utility regulation and scrap metal, was taken up by Representative Smith (150).

Representative Cooper (120) offered **House Amendment No. 5.**

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 720, Page 1, Section A, Line 4, by inserting after said line the following:

**"260.1050. Sections 260.1050 to 260.1101 may be cited as the "Manufacturer Responsibility and Consumer Convenience Equipment Collection and Recovery Act".**

**260.1053. As used in sections 260.1050 to 260.1101, the following terms mean:**

- (1) "Brand", the name, symbol, logo, trademark, or other information that identifies a product rather than the components of the product;**
- (2) "Computer materials", a desktop or notebook computer and includes a computer monitor or other display device that does not contain a tuner;**
- (3) "Consumer", an individual who uses equipment that is purchased primarily for personal or home business use;**
- (4) "Department", department of natural resources;**
- (5) "Equipment", computer materials;**
- (6) "Manufacturer", a person:**
  - (a) Who manufactures or manufactured equipment under a brand that:**
    - a. The person owns or owned; or**
    - b. The person is or was licensed to use, other than under a license to manufacture equipment for delivery exclusively to or at the order of the licensor;**
  - (b) Who sells or sold equipment manufactured by others under a brand that:**
    - a. The person owns or owned; or**
    - b. The person is or was licensed to use, other than under a license to manufacture equipment for delivery exclusively to or at the order of the licensor;**
  - (c) Who manufactures or manufactured equipment without affixing a brand;**
  - (d) Who manufactures or manufactured equipment to which the person affixes or affixed a brand that:**
    - a. The person does not or has not owned; or**
    - b. The person is not or was not licensed to use; or**
  - (e) Who imports or imported equipment manufactured outside the United States into the United States unless at the time of importation the company or licensee that sells or sold the equipment to the importer has or had assets or a presence in the United States sufficient to be considered the manufacturer.**

**260.1059. 1. The collection, recycling, and reuse provisions of sections 260.1050 to 260.1101 apply to equipment used and returned to the manufacturer by a consumer in this state and do not impose any obligation on an owner or operator of a solid waste facility.**

**2. Sections 260.1050 to 260.1101 do not apply to:**

- (1) Any part of a motor vehicle, a personal digital assistant, or a telephone, including wireless devices;**
- (2) A consumer's lease of equipment or a consumer's use of equipment under a lease agreement; or**
- (3) The sale or lease of equipment to an entity when the manufacturer and the entity enter into a contract that effectively addresses the collection, recycling, and reuse of equipment that has reached the end of its useful life.**

**260.1062. 1. Before a manufacturer may offer equipment for sale in this state, the manufacturer shall:**

- (1) Adopt and implement a recovery plan;**
  - (2) Submit a written copy of the recovery plan to the department; and**
  - (3) Affix a permanent, readily visible label to the equipment with the manufacturer's brand.**
- 2. The recovery plan shall enable a consumer to recycle equipment without paying a separate fee at the time of recycling and shall include provisions for:**
- (1) The manufacturer's collection from a consumer of any equipment that has reached the end of its useful life and is labeled with the manufacturer's brand; and**
  - (2) Recycling or reuse of equipment collected under subdivision (1) of this subsection.**
- 3. The collection of equipment provided under the recovery plan shall be:**
- (1) Reasonably convenient and available to consumers in this state; and**
  - (2) Designed to meet the collection needs of consumers in this state.**

4. Examples of collection methods that alone or combined meet the convenience requirements of this section include a system:

- (1) By which the manufacturer or the manufacturer's designee offers the consumer an option for returning equipment by mail at no charge to the consumer;
- (2) Using a physical collection site that the manufacturer or the manufacturer's designee keeps open and staffed and to which the consumer may return equipment; and
- (3) Using a collection event held by the manufacturer or the manufacturer's designee at which the consumer may return equipment.

5. Collection services under this section may use existing collection and consolidation infrastructure for handling equipment and may include systems jointly managed by a group of manufacturers, electronic recyclers and repair shops, recyclers of other commodities, reuse organizations, not-for-profit corporations, retailers, recyclers, and other suitable operations. If a manufacturer or its designee offers a mail-back system as described in subsection 4 of this section, either individually or by working together with a group of manufacturers or by working with others, it shall be deemed to meet the convenience requirements of this section.

6. The recovery plan shall include information for the consumer on how and where to return the manufacturer's equipment. The manufacturer:

- (1) Shall include collection, recycling, and reuse information on the manufacturer's publicly available Internet site;
- (2) Shall provide collection, recycling, and reuse information to the department; and
- (3) May include collection, recycling, and reuse information in the packaging for or in other materials that accompany the manufacturer's equipment when the equipment is sold.

7. Information about collection, recycling, and reuse on a manufacturer's publicly available Internet site does not constitute a determination by the department that the manufacturer's recovery plan or actual practices are in compliance with sections 260.1050 to 260.1101 or other state or federal law.

8. Each manufacturer shall submit a report to the department not later than January thirty-first of each year that includes:

- (1) The weight of equipment collected, recycled, and reused during the preceding calendar year; and
- (2) Documentation certifying that the collection, recycling, and reuse of equipment during the preceding calendar year was conducted in a manner that complies with section 260.1089 regarding sound environmental management.

9. If more than one person is a manufacturer of a certain brand of equipment as defined by section 260.1053, any of those persons may assume responsibility for and satisfy the obligations of a manufacturer under sections 260.1050 to 260.1101 for that brand. If none of those persons assumes responsibility or satisfies the obligations of a manufacturer for the equipment of that brand, the department may consider any of those persons to be the responsible manufacturer for purposes of sections 260.1050 to 260.1101.

10. The obligations under sections 260.1050 to 260.1101 of a manufacturer who manufactures or manufactured equipment, or sells or sold equipment manufactured by others, under a brand that was previously used by a different person in the manufacture of the equipment extends to all equipment bearing that brand regardless of its date of manufacture.

260.1065. 1. A person who is a retailer of equipment shall not sell or offer to sell new equipment in this state unless the equipment is labeled with the manufacturer's label and the manufacturer is included on the department's list of manufacturers that have recovery plans.

2. Retailers can go to the department's Internet site as outlined in section 260.1071 and view all manufacturers that are listed as having registered a collection program. Covered electronic products from manufacturers on that list may be sold in or into this state.

3. A retailer is not required to collect equipment for recycling or reuse under sections 260.1050 to 260.1101.

260.1068. 1. A manufacturer or retailer of equipment is not liable in any way for information in any form that a consumer leaves on computer materials that are collected, recycled, or reused under sections 260.1050 to 260.1101.

2. The consumer is responsible for any information in any form left on the consumer's computer materials that are collected, recycled, or reused.

3. Compliance with sections 260.1050 to 260.1101 does not exempt a person from liability under other law.

**260.1071. 1.** The department shall educate consumers regarding the collection, recycling, and reuse of equipment.

**2.** The department shall host or designate another person to host an Internet site providing consumers with information about the recycling and reuse of equipment, including best management practices and information about and links to information on:

(1) Manufacturers' collection, recycling, and reuse programs, including manufacturers' recovery plans; and

(2) Equipment collection events, collection sites, and community equipment recycling and reuse programs.

**260.1074. 1.** The department may conduct audits and inspections to determine compliance with sections 260.1050 to 260.1101.

**2.** The department and the attorney general, as appropriate, shall enforce sections 260.1050 to 260.1101 and, except as provided by subsections 4 and 5 of this section, take enforcement action against any manufacturer, retailer, or person who recycles or reuses equipment for failure to comply with sections 260.1050 to 260.1101.

**3.** The attorney general may file suit to enjoin an activity related to the sale of equipment in violation of sections 260.1050 to 260.1101.

**4.** The department shall issue a written warning notice to a person upon the person's first violation of sections 260.1050 to 260.1101. The person shall comply with sections 260.1050 to 260.1101 not later than the sixtieth day after the date the warning notice is issued.

**5.** A retailer who receives a warning notice from the department that the retailer's inventory violates sections 260.1050 to 260.1101 because it includes equipment from a manufacturer that has not submitted the recovery plan required by section 260.1062 shall bring the inventory into compliance with sections 260.1050 to 260.1101 not later than the sixtieth day after the date the warning notice is issued.

**6. (1)** The department may assess a penalty against a manufacturer that does not label its equipment or adopt, implement, or submit a recovery plan as required by section 260.1062. No penalty shall be assessed for a first violation and the amount of the penalty shall not exceed ten thousand dollars for the second violation or twenty-five thousand dollars for each subsequent violation.

**(2)** Any penalty collected under this section shall be credited to the "Equipment Recycling Subaccount", which is hereby created, in the hazardous waste fund. Moneys in the subaccount shall be used for the purpose of administering the provisions of sections 260.1050 to 260.1101. The state treasurer shall be custodian of the subaccount and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the subaccount shall be used solely for the administration of sections 260.1050 to 260.1101. Any moneys remaining in the subaccount at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the subaccount.

**260.1077.** Financial or proprietary information submitted to the department under sections 260.1050 to 260.1101 shall not be considered a public record under chapter 610, RSMo.

**260.1080.** The department shall compile information from manufacturers and issue an electronic report to the committee in each house of the general assembly having primary jurisdiction over environmental matters not later than March first of each year.

**260.1083.** Sections 260.1050 to 260.1101 do not authorize the department to impose a fee, including a recycling fee or registration fee, on a consumer, manufacturer, retailer, or person who recycles or reuses equipment.

**260.1089. 1.** All equipment collected under sections 260.1050 to 260.1101 shall be recycled or reused in a manner that complies with federal, state, and local law.

**2.** The department shall, by rule, adopt as mandatory standards for recycling or reuse of equipment in this state the standards provided by "Electronics Recycling Operating Practices" as approved by the board of directors of the Institute of Scrap Recycling Industries, Inc., April 25, 2006, or other standards issued from the U.S. Environmental Protection Agency, if available.

**260.1092. 1.** If federal law establishes a national program for the collection and recycling of equipment and the department determines that the federal law substantially meets the purposes of sections 260.1050 to 260.1101, the department may adopt an agency statement that interprets the federal law as preemptive of sections 260.1050 to 260.1101.

**2.** Sections 260.1050 to 260.1101 shall expire on the date the department issues a statement under this section.

**260.1101. 1.** The department shall adopt any rules required to implement sections 260.1050 to 260.1101 not later than July 1, 2009. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

**2.** Sections 260.1050 to 260.1101 shall not be enforced before rules developed under this section are promulgated.

**3.** It shall not be considered a violation of sections 260.1050 to 260.1101 for a retailer to sell any inventory accrued before the effective date of sections 260.1050 to 260.1101.

**260.1104.** Sections 260.1050 to 260.1101 shall not apply to:

(1) Any computer material that is an electronic device that is a part of a motor vehicle or any part of a motor vehicle assembled by, or for, a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;

(2) Any electronic device that is functionally or physically a part of, connected to or integrated within a larger piece of equipment designed and intended for use in an industrial, governmental, commercial, research and development, or medical setting, including diagnostic, monitoring, or other medical products as that term is defined under the federal Food, Drug, and Cosmetic Act or equipment used for security, sensing, monitoring, or anti-terrorism purposes;

(3) A covered electronic device that is contained within a clothes washer, clothes dryer, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier;

(4) Telephone of any type, including mobile telephones; or

(5) A personal digital assistant or P.D.A."; and

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

On motion of Representative Cooper (120), **House Amendment No. 5** was adopted.

Representative Zimmerman requested a division of the question on **HCS SCS SB 720, as amended.**

On motion of Representative Smith (150), **Part I of HCS SCS SB 720, as amended,** was adopted by the following vote:

AYES: 148

Aull	Baker 25	Baker 123	Bivins	Bland
Brandom	Bringer	Brown 30	Brown 50	Bruns
Burnett	Casey	Chappelle-Nadal	Cooper 120	Cooper 155
Corcoran	Cox	Cunningham 145	Cunningham 86	Curls
Darrough	Daus	Davis	Day	Deeken
Denison	Dethrow	Dixon	Donnelly	Dougherty
Dusenberg	Emery	Ervin	Faith	Fallert
Fares	Fisher	Flook	Frame	Franz

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Funderburk	George	Grill	Grisamore	Guest
Harris 110	Hodges	Holsman	Hoskins	Hubbard
Hughes	Ice	Johnson	Jones 89	Jones 117
Kasten	Kelly	Kingery	Komo	Kratky
Kraus	Kuessner	Lampe	Lembke	LeVota
Liese	Lipke	Loehner	Low 39	Lowe 44
Marsh	May	McClanahan	McGhee	Meadows
Meiners	Moore	Munzlinger	Muschany	Nance
Nasheed	Nieves	Nolte	Norr	Onder
Oxford	Parkinson	Parson	Pearce	Pollock
Portwood	Pratt	Quinn 7	Quinn 9	Richard
Robb	Robinson	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Stevenson	St. Onge
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Threlkeld	Tilley	Todd	Viebrock
Villa	Vogt	Wallace	Walsh	Walton
Wasson	Wells	Weter	Whorton	Wilson 119
Witte	Wood	Wright 159	Yaeger	Yates
Zimmerman	Zweifel	Mr Speaker		

NOES: 000

PRESENT: 001

Wilson 130

ABSENT WITH LEAVE: 012

Avery	El-Amin	Harris 23	Haywood	Hobbs
Hunter	Page	Schneider	Spreng	Wildberger
Wright-Jones	Young			

VACANCIES: 002

On motion of Representative Smith (150), **Part II of HCS SCS SB 720, as amended**, was adopted by the following vote:

AYES: 097

Aull	Bivins	Bland	Brandom	Brown 50
Bruns	Casey	Cooper 120	Cooper 155	Cox
Cunningham 145	Cunningham 86	Davis	Day	Deeken
Denison	Dethrow	Dixon	Dougherty	Dusenberg
Emery	Faith	Fares	Fisher	Franz
Funderburk	Grill	Grisamore	Guest	Hoskins
Hubbard	Hughes	Ice	Jones 89	Jones 117
Kasten	Kelly	Kingery	Kraus	Lampe
Lembke	Loehner	Marsh	May	McGhee
Meiners	Moore	Munzlinger	Muschany	Nance
Nasheed	Nieves	Nolte	Onder	Parkinson
Parson	Pollock	Portwood	Pratt	Quinn 7
Richard	Robb	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Schaaf	Schad
Scharnhorst	Schlottach	Schneider	Schoeller	Self



Silvey	Skaggs	Smith 14	Smith 150	Stevenson
St. Onge	Stream	Sutherland	Swinger	Thomson
Threlkeld	Tilley	Viebrock	Wallace	Walton
Wells	Weter	Wilson 119	Wood	Wright 159
Yates	Mr Speaker			

NOES: 052

Baker 25	Baker 123	Bringer	Brown 30	Burnett
Chappelle-Nadal	Corcoran	Curls	Darrough	Daus
Donnelly	Ervin	Fallert	Flook	Frame
George	Harris 23	Harris 110	Hodges	Holsman
Johnson	Komo	Kratky	Kuessner	LeVota
Liese	Lipke	Low 39	McClanahan	Meadows
Norr	Oxford	Page	Quinn 9	Roorda
Scavuzzo	Schieffer	Schoemehl	Shively	Storch
Talboy	Todd	Villa	Vogt	Walsh
Whorton	Wildberger	Witte	Yaeger	Young
Zimmerman	Zweifel			

PRESENT: 001

Wilson 130

ABSENT WITH LEAVE: 011

Avery	El-Amin	Haywood	Hobbs	Hunter
Lowe 44	Pearce	Robinson	Spreng	Wasson
Wright-Jones				

VACANCIES: 002

On motion of Representative Smith (150), **Part III of HCS SCS SB 720, as amended**, was adopted by the following vote:

AYES: 095

Bivins	Bland	Brandom	Brown 30	Bruns
Cooper 120	Cooper 155	Corcoran	Cox	Cunningham 145
Cunningham 86	Curls	Davis	Day	Deeken
Denison	Dethrow	Dixon	Dougherty	Dusenberg
Emery	Faith	Fares	Fisher	Franz
Funderburk	George	Grill	Grisamore	Guest
Hobbs	Hoskins	Hubbard	Hughes	Icet
Jones 89	Jones 117	Kasten	Kelly	Kingery
Kraus	Lampe	Lembke	Liese	Lipke
Lochner	Marsh	May	McGhee	Meadows
Meiners	Moore	Munzlinger	Muschany	Nance
Nieves	Nolte	Norr	Onder	Parkinson
Pollock	Pratt	Quinn 7	Richard	Robb
Rucker	Ruestman	Ruzicka	Sater	Schaaf
Scharnhorst	Schlottach	Schneider	Schoeller	Self
Silvey	Skaggs	Smith 14	Smith 150	Stevenson
St. Onge	Stream	Sutherland	Thomson	Tilley
Viebrock	Walsh	Wells	Weter	Whorton
Wilson 119	Wood	Wright 159	Yates	Mr Speaker

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NOES: 046

Aull	Baker 25	Bringer	Brown 50	Burnett
Casey	Chappelle-Nadal	Darrough	Daus	Donnelly
Ervin	Fallert	Flook	Frame	Harris 23
Harris 110	Holsman	Johnson	Komo	Kratky
Kuessner	LeVota	Low 39	McClanahan	Nasheed
Oxford	Pearce	Quinn 9	Roorda	Scavuzzo
Schieffer	Schoemehl	Shively	Storch	Swinger
Talboy	Todd	Villa	Vogt	Walton
Wildberger	Witte	Yaeger	Young	Zimmerman
Zweifel				

PRESENT: 001

Wilson 130

ABSENT WITH LEAVE: 019

Avery	Baker 123	El-Amin	Haywood	Hodges
Hunter	Lowe 44	Page	Parson	Portwood
Robinson	Salva	Sander	Schad	Spreng
Threlkeld	Wallace	Wasson	Wright-Jones	

VACANCIES: 002

On motion of Representative Smith (150), **Part IV of HCS SCS SB 720, as amended**, was adopted by the following vote:

AYES: 148

Aull	Baker 25	Baker 123	Bivins	Bland
Brandom	Bringer	Brown 30	Brown 50	Bruns
Burnett	Casey	Chappelle-Nadal	Cooper 120	Cooper 155
Corcoran	Cox	Cunningham 145	Cunningham 86	Curls
Darrough	Daus	Davis	Day	Deeken
Denison	Dethrow	Dixon	Donnelly	Dougherty
Dusenberg	Emery	Ervin	Faith	Fares
Fisher	Flook	Frame	Franz	Funderburk
George	Grill	Grisamore	Guest	Harris 23
Harris 110	Hobbs	Hodges	Holsman	Hoskins
Hubbard	Hughes	Hunter	Icet	Johnson
Jones 89	Jones 117	Kasten	Kelly	Kingery
Komo	Kratky	Kraus	Kuessner	Lampe
Lembke	LeVota	Liese	Lipke	Loehner
Lowe 44	Marsh	May	McClanahan	McGhee
Meiners	Moore	Munzlinger	Muschany	Nance
Nasheed	Nieves	Nolte	Norr	Onder
Oxford	Parkinson	Parson	Pearce	Pollock
Portwood	Pratt	Quinn 7	Quinn 9	Richard
Robb	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schneider
Schoeller	Schoemehl	Shively	Silvey	Skaggs
Smith 14	Smith 150	Stevenson	St. Onge	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Threlkeld	Tilley	Todd	Viebrock	Villa

Vogt	Wallace	Walsh	Walton	Wasson
Wells	Weter	Whorton	Wildberger	Wilson 119
Witte	Wood	Wright 159	Yaeger	Yates
Zimmerman	Zweifel	Mr Speaker		

NOES: 001

Self

PRESENT: 001

Wilson 130

ABSENT WITH LEAVE: 011

Avery	El-Amin	Fallert	Haywood	Low 39
Meadows	Page	Robinson	Spreng	Wright-Jones
Young				

VACANCIES: 002

On motion of Representative Smith (150), **HCS SCS SB 720, as amended**, was read the third time and passed by the following vote:

AYES: 115

Aull	Baker 25	Bivins	Bland	Brandom
Brown 50	Bruns	Burnett	Casey	Cooper 120
Cooper 155	Corcoran	Cox	Cunningham 145	Cunningham 86
Curls	Davis	Day	Deeken	Denison
Dethrow	Dixon	Dougherty	Dusenberg	Emery
Faith	Fallert	Fares	Fisher	Franz
Funderburk	Grill	Grisamore	Guest	Hobbs
Hodges	Hoskins	Hubbard	Icet	Johnson
Jones 89	Jones 117	Kasten	Kelly	Kingery
Kratky	Kraus	Lampe	Lembke	Liese
Lipke	Loehner	Lowe 44	Marsh	May
McGhee	Meadows	Meiners	Moore	Munzlinger
Muschany	Nance	Nasheed	Nieves	Nolte
Norr	Onder	Parkinson	Parson	Pollock
Portwood	Pratt	Quinn 7	Richard	Robb
Ruestman	Ruzicka	Salva	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schneider
Schoeller	Silvey	Skaggs	Smith 14	Smith 150
Stevenson	St. Onge	Stream	Sutherland	Swinger
Thomson	Threlkeld	Tilley	Todd	Viebrock
Villa	Walsh	Walton	Wasson	Wells
Weter	Whorton	Wildberger	Wilson 119	Wood
Wright 159	Yaeger	Yates	Zimmerman	Mr Speaker

NOES: 032

Baker 123	Bringer	Brown 30	Chappelle-Nadal	Darrough
Daus	Donnelly	Ervin	Flook	Frame
George	Harris 23	Harris 110	Holsman	Komo
Kuessner	LeVota	McClanahan	Oxford	Page
Pearce	Quinn 9	Roorda	Scavuzzo	Schieffer

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Schoemehl	Self	Shively	Storch	Talboy
Witte	Zweifel			

PRESENT: 001

Wilson 130

ABSENT WITH LEAVE: 013

Avery	El-Amin	Haywood	Hughes	Hunter
Low 39	Robinson	Rucker	Spreng	Vogt
Wallace	Wright-Jones	Young		

VACANCIES: 002

Speaker Jetton declared the bill passed.

**HCS SS SCS SB 711, with House Amendment No. 1, pending**, relating to property taxation, was taken up by Representative Sutherland.

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, Section 137.115, Page 25, Line 7, by inserting the letter, "y" at the end of the word, "possessor"; and

Further amend said bill, section, page, Line 9, by deleting the words, "**possessor interest**" and inserting in lieu thereof the words, "**possessory interest**"; and

Further amend said bill, section, page, Line 13, by deleting the words, "**possessor interest**" and inserting in lieu thereof the words, "**possessory interest**"; and

Further amend said bill, section, page, Line 16, by deleting the words, "**possessor interest**" and inserting in lieu thereof the words, "**possessory interest**"; and

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

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

Representative St. Onge offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, Page 6, Section 135.047, Line 8, by deleting the word "**clerk**" and inserting in lieu thereof the following:

"**recorder of deeds**"; and

Further amend said bill, Page 6, Section 135.047, Line 10, by deleting all of said line and inserting in lieu thereof the following:

**"3. The director shall be";** and

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

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

*House Amendment No. 1  
to  
House Amendment No. 3*

AMEND House Amendment No. 3 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, Page 1, Line 8, by inserting immediately after all of said line the following:

Further amend said bill, Sections 135.037 through 135.083, Pages 4-13, by deleting all of said sections from the bill; and

Further amend said bill, Section 137.073, Page 19, Line 163, by inserting after the word "a" the word "**recorded**"; and

Further amend said bill, section, and page, Line 164, by inserting after the word "majority" the words "**plus one**"; and

Further amend said bill, Section 137.082, Page 25, Line 83, by inserting after all of said section the following:

"137.106. 1. This section [may] **shall** be known and may be cited as "The Missouri Homestead Preservation Act".

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

- (1) "Department", the department of revenue;
- (2) "Director", the director of revenue;
- (3) "Disabled", as such term is defined in section 135.010, RSMo;
- (4) "Eligible owner", any individual owner of property who is sixty-five years old or older as of January first

of the tax year in which the individual is claiming the credit or who is disabled, and who had an income of equal to or less than the maximum upper limit in the year prior to completing an application pursuant to this section; or

(a) In the case of a married couple owning property either jointly or as tenants by the entirety, or where only one spouse owns the property, such couple shall be considered an eligible taxpayer if both spouses have reached the age of sixty-five or if one spouse is disabled, or if one spouse is at least sixty-five years old and the other spouse is at least sixty years old, and the combined income of the couple in the year prior to completing an application pursuant to this section did not exceed the maximum upper limit; or

(b) In the case of joint ownership by unmarried persons or ownership by tenancy in common by two or more unmarried persons, such owners shall be considered an eligible owner if each person with an ownership interest individually satisfies the eligibility requirements for an individual eligible owner under this section and the combined income of all individuals with an interest in the property is equal to or less than the maximum upper limit in the year prior to completing an application under this section. If any individual with an ownership interest in the property fails to satisfy the eligibility requirements of an individual eligible owner or if the combined income of all individuals with interest in the property exceeds the maximum upper limit, then all individuals with an ownership interest in such property shall be deemed ineligible owners regardless of such other individual's ability to individually meet the eligibility requirements; or

(c) In the case of property held in trust, the eligible owner and recipient of the tax credit shall be the trust itself provided the previous owner of the homestead or the previous owner's spouse: is the settlor of the trust with respect to the homestead; currently resides in such homestead; and but for the transfer of such property would have satisfied the age, ownership, and maximum upper limit requirements for income as defined in subdivisions (7) and (8) of this subsection[;].

No individual shall be an eligible owner if the individual has not paid [their] **such individual's** property tax liability, if any, in full by the payment due date in any of the three prior tax years, except that a late payment of a property tax liability in any prior year shall not disqualify a potential eligible owner if such owner paid in full the tax liability and any and all penalties, additions and interest that arose as a result of such late payment; no individual shall be an eligible owner if such person filed a valid claim for the senior citizens property tax relief credit pursuant to sections 135.010 to 135.035, RSMo;

(5) "Homestead", as such term is defined pursuant to section 135.010, RSMo, except as limited by provisions of this section to the contrary. No property shall be considered a homestead if such property was improved since the most recent annual assessment by more than five percent of the prior year appraised value, except where an eligible owner of the property has made such improvements to accommodate a disabled person;

(6) "Homestead exemption limit", a percentage increase, rounded to the nearest hundredth of a percent, which shall be equal to the percentage increase to tax liability, not including improvements, of a homestead from one tax year to the next that exceeds a certain percentage set pursuant to subsection [10] 7 of this section. [For applications filed in 2005 or 2006, the homestead exemption limit shall be based on the increase to tax liability from 2004 to 2005. For applications filed between April 1, 2005, and September 30, 2006, an eligible owner, who otherwise satisfied the requirements of this section, shall not apply for the homestead exemption credit more than once during such period.] For applications filed [after 2006] **in 2008**, the homestead exemption limit shall be based on the increase to tax liability from two years prior to application to the year immediately prior to application. **For applications filed after 2008, the homestead exemption limit shall be based on the increase to tax liability from the base year to the year prior to the application year. For purposes of this subdivision, "base year" means the year prior to the first year in which the eligible owner's application was approved, or 2006, whichever is later;**

(7) "Income", federal adjusted gross income, and in the case of ownership of the homestead by trust, the income of the settlor applicant shall be imputed to the income of the trust for purposes of determining eligibility with regards to the maximum upper limit;

(8) "Maximum upper limit", in the calendar year 2005, the income sum of seventy thousand dollars; in each successive calendar year this amount shall be raised by the incremental increase in the general price level, as defined pursuant to article X, section 17 of the Missouri Constitution.

3. Pursuant to article X, section 6(a) of the Constitution of Missouri, if in the prior tax year, the property tax liability on any parcel of subclass (1) real property increased by more than the homestead exemption limit, without regard for any prior credit received due to the provisions of this section, then any eligible owner of the property shall receive a homestead exemption credit to be applied in the current tax year property tax liability to offset the prior year increase to tax liability that exceeds the homestead exemption limit, except as eligibility for the credit is limited by the provisions of this section. The amount of the credit shall be listed separately on each taxpayer's tax bill for the current tax year, or on a document enclosed with the taxpayer's bill. The homestead exemption credit shall not affect the process of setting the tax rate as required pursuant to article X, section 22 of the Constitution of Missouri and section 137.073 in any prior, current, or subsequent tax year.

4. [If application is made in 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application through their local assessor's office. Applications may be completed between April first and September thirtieth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided to the assessor's office by the department. Forms also shall be made available on the department's Internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

- (1) To the applicant's age;
- (2) That the applicant's prior year income was less than the maximum upper limit;
- (3) To the address of the homestead property; and
- (4) That any improvements made to the homestead, not made to accommodate a disabled person, did not total more than five percent of the prior year appraised value. The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the two prior tax years.

5. If application is made in 2005, the assessor, upon request for an application, shall:

- (1) Certify the parcel number and owner of record as of January first of the homestead, including verification of the acreage classified as residential on the assessor's property record card;
- (2) Obtain appropriate prior tax year levy codes for each homestead from the county clerks for inclusion on the form;
- (3) Record on the application the assessed valuation of the homestead for the current tax year, and any new construction or improvements for the current tax year; and

(4) Sign the application, certifying the accuracy of the assessor's entries.

6. If application is made after 2005,] Any potential eligible owner may apply for the homestead exemption credit by completing an application. Applications may be completed between April first and October fifteenth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided by the department. Forms also shall be made available on the department's Internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

- (1) To the applicant's age;
- (2) That the applicant's prior year income was less than the maximum upper limit;
- (3) To the address of the homestead property;
- (4) That any improvements made to the homestead, not made to accommodate a disabled person, did not total more than five percent of the prior year appraised value[; and
- (5)].

The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the three prior tax years.

[7.] **5.** Each applicant shall send the application to the department by [September thirtieth] **October fifteenth** of each year for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the application was completed.

[8. If application is made in 2005, upon receipt of the applications, the department shall calculate the tax liability, adjusted to exclude new construction or improvements verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant has also filed a valid application for the senior citizens property tax credit, pursuant to sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income are verified, the director shall determine eligibility for the credit, and provide a list of all verified eligible owners to the county collectors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county collectors or county clerks in counties with a township form of government shall provide a list to the department of any verified eligible owners who failed to pay the property tax due for the tax year that ended immediately prior. Such eligible owners shall be disqualified from receiving the credit in the current tax year.

9. If application is made after 2005,] **6.** Upon receipt of the applications, the department shall calculate the tax liability, verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant also has filed a valid application for the senior citizens property tax credit under sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income are verified, the director shall determine eligibility for the credit and provide a list of all verified eligible owners to the county assessors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county assessors shall provide a list to the department of any verified eligible owners who made improvements not for accommodation of a disability to the homestead and the dollar amount of the assessed value of such improvements. If the dollar amount of the assessed value of such improvements totaled more than five percent of the prior year appraised value, such eligible owners shall be disqualified from receiving the credit in the current tax year.

[10.] **7.** The director shall calculate the level of appropriation necessary [to] **and** set the homestead exemption limit at five percent when based on a year of general reassessment or at two and one-half percent when based on a year without general reassessment for the homesteads of all verified eligible owners, and provide such calculation to the speaker of the house of representatives, the president pro tempore of the senate, and the director of the office of budget and planning in the office of administration by January thirty-first of each year.

[11. For applications made in 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall, by July thirty-first of such year, set the homestead exemption limit. The limit shall be a single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a percent, which, if applied to all homesteads of verified eligible owners who applied for the homestead exemption credit in the immediately prior tax year, would cause all but one-quarter of one percent of the amount of the appropriation, minus any withholding by the governor, to be distributed during that fiscal year. The remaining one-quarter of one percent shall be distributed to the county assessment funds of each county on a proportional basis, based on the number of eligible owners in each county; such one-quarter percent distribution shall be delineated in any such appropriation as a separate line item in the total appropriation.]

8. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

[12. After setting the homestead exemption limit for applications made in 2005, the director shall apply the limit to the homestead of each verified eligible owner and calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation and assessment fund allocation to the county collector's funds of each county or the treasurer ex officio collector's fund in counties with a township form of government where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued, plus the one-quarter of one percent distribution for the county assessment funds. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section plus the one-quarter of one percent distribution for the county assessment funds. Funds, at the direction of the county collector or the treasurer ex officio collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or the treasurer ex officio collector's fund or may be sent by mail to the collector of a county, or the treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued. In counties with a township form of government, the county clerk shall provide the treasurer ex officio collector a summary of the homestead exemption credit for each township for the purpose of distributing the total homestead exemption credit to each township collector in a particular county.

13.] 9. If, in any given year after 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall[, by July thirty-first of such year, set the homestead exemption limit. The limit shall be a single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a percent, which, if applied to all homesteads of verified eligible owners who applied for the homestead exemption credit in the immediately prior tax year, would cause all of the amount of the appropriation, minus any withholding by the governor, to be distributed during that fiscal year] **determine the apportionment percentage by equally apportioning the appropriation among all eligible applicants on a percentage basis.** If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

[14.] 10. After [setting the homestead exemption limit for applications made after 2005, the director shall apply the limit to the homestead of each verified eligible owner and] **determining the apportionment percentage, the director shall** calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation to the county collector's fund of each county where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section. Funds, at the direction of the collector of the county or treasurer ex officio collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or may be sent by mail to the collector of a county, or treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued.

[15.] 11. The department shall promulgate rules for implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. Any rule promulgated by the department shall in no way impact, affect, interrupt, or interfere with the performance of the required statutory duties of any county elected official, more



particularly including the county collector when performing such duties as deemed necessary for the distribution of any homestead appropriation and the distribution of all other real and personal property taxes.

[16.] **12.** In the event that an eligible owner dies or transfers ownership of the property after the homestead exemption limit has been set in any given year, but prior to January first of the year in which the credit would otherwise be applied, the credit shall be void and any corresponding moneys[, pursuant to subsection 12 of this section,] shall lapse to the state to be credited to the general revenue fund. In the event the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government determines prior to issuing the credit that the individual is not an eligible owner because the individual did not pay the prior three years' property tax liability in full, the credit shall be void and any corresponding moneys[, under subsection 11 of this section,] shall lapse to the state to be credited to the general revenue fund.

[17. This section shall apply to all tax years beginning on or after January 1, 2005. This subsection shall become effective June 28, 2004.

18.] **13.** In accordance with the provisions of sections 23.250 to 23.298, RSMo, and unless otherwise authorized pursuant to section 23.253, RSMo:

(1) Any new program authorized under the provisions of this section shall automatically sunset six years after the effective date of this section; and

(2) This section shall terminate on September first of the year following the year in which any new program authorized under this section is sunset, and the revisor of statutes shall designate such sections and this section in a revision bill for repeal."; and ' ; and

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

On motion of Representative Portwood, **House Amendment No. 1 to House Amendment No. 3** was adopted by the following vote:

AYES: 130

Aull	Baker 25	Baker 123	Bivins	Bland
Brandom	Bringer	Brown 30	Brown 50	Bruns
Casey	Cooper 155	Corcoran	Cox	Cunningham 145
Cunningham 86	Curls	Darrough	Davis	Day
Deeken	Denison	Dethrow	Dixon	Donnelly
Dougherty	Emery	Ervin	Faith	Fallert
Fares	Fisher	Flook	Frame	Franz
Funderburk	Grill	Grisamore	Guest	Harris 110
Hobbs	Hodges	Hoskins	Hubbard	Icet
Jones 89	Jones 117	Kasten	Kelly	Kingery
Komo	Kratky	Kraus	Kuessner	Lampe
Lembke	Liese	Lipke	Loehner	May
McClanahan	McGhee	Meadows	Meiners	Moore
Munzlinger	Muschany	Nance	Nieves	Nolte
Norr	Onder	Oxford	Page	Parkinson
Parson	Pearce	Pollock	Portwood	Pratt
Quinn 7	Quinn 9	Richard	Robb	Roorda
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schneider	Schoeller	Schoemehl	Self
Shively	Shively	Smith 14	Smith 150	Stevenson
Storch	Stream	Sutherland	Swinger	Thomson
Threlkeld	Tilley	Todd	Viebrock	Vogt
Wallace	Walton	Wasson	Wells	Weter
Whorton	Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright 159	Yates	Zweifel	Mr Speaker

NOES: 018

Burnett	Chappelle-Nadal	Daus	George	Holsman
Hughes	Johnson	LeVota	Lowe 44	Nasheed
Rucker	Skaggs	St. Onge	Talbo	Villa
Walsh	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 013

Avery	Cooper 120	Dusenberg	El-Amin	Harris 23
Haywood	Hunter	Low 39	Marsh	Robinson
Spreng	Wright-Jones	Young		

VACANCIES: 002

Representative Zweifel offered **House Substitute Amendment No. 1 for House Amendment No. 3, as amended.**

Representative Yates raised points of order that **House Substitute Amendment No. 1 for House Amendment No. 3, as amended**, goes beyond the scope of the bill, is not a true substitute amendment and is in violation of Rule 46(b).

The Chair ruled the first point of order well taken.

On motion of Representative St. Onge, **House Amendment No. 3, as amended**, was adopted.

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

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, Section 135.083, Page 13, Line 35, by inserting after all of said section the following:

"137.016. 1. As used in section 4(b) of article X of the Missouri Constitution, the following terms mean:

(1) "Residential property", all real property improved by a structure which is used or intended to be used for residential living by human occupants, vacant land in connection with an airport, land used as a golf course, and manufactured home parks, but residential property shall not include other similar facilities used primarily for transient housing. For the purposes of this section, "transient housing" means all rooms available for rent or lease for which the receipts from the rent or lease of such rooms are subject to state sales tax pursuant to section 144.020.1(6), RSMo;

(2) "Agricultural and horticultural property", all real property used for agricultural purposes and devoted primarily to the raising and harvesting of crops; to the feeding, breeding and management of livestock which shall include breeding, **showing**, and boarding of horses; to dairying, or to any other combination thereof; and buildings and structures customarily associated with farming, agricultural, and horticultural uses. Agricultural and horticultural property shall also include land devoted to and qualifying for payments or other compensation under a soil conservation or agricultural assistance program under an agreement with an agency of the federal government. Agricultural and horticultural property shall further include land and improvements, exclusive of structures, on privately owned airports that qualify as reliever airports under the Nation Plan of Integrated Airports System, to receive federal airport improvement project funds through the Federal Aviation Administration. Real property classified as forest croplands shall not be agricultural or horticultural property so long as it is classified as forest croplands and shall be taxed in accordance with the laws enacted to implement section 7 of article X of the Missouri Constitution;

(3) "Utility, industrial, commercial, railroad and other real property", all real property used directly or indirectly, for any commercial, mining, industrial, manufacturing, trade, professional, business, or similar purpose, including all property centrally assessed by the state tax commission but shall not include floating docks, portions of which are separately owned and the remainder of which is designated for common ownership and in which no one person or business entity owns more than five individual units. All other real property not included in the property listed in subclasses (1) and (2) of section 4(b) of article X of the Missouri Constitution, as such property is defined in this section, shall be deemed to be included in the term "utility, industrial, commercial, railroad and other real property".

2. Pursuant to article X of the state constitution, any taxing district may adjust its operating levy to recoup any loss of property tax revenue, except revenues from the surtax imposed pursuant to article X, section 6.2 of the constitution, as the result of changing the classification of structures intended to be used for residential living by human occupants which contain five or more dwelling units if such adjustment of the levy does not exceed the highest tax rate in effect subsequent to the 1980 tax year. For purposes of this section, loss in revenue shall include the difference between the revenue that would have been collected on such property under its classification prior to enactment of this section and the amount to be collected under its classification under this section. The county assessor of each county or city not within a county shall provide information to each taxing district within its boundaries regarding the difference in assessed valuation of such property as the result of such change in classification.

3. All reclassification of property as the result of changing the classification of structures intended to be used for residential living by human occupants which contain five or more dwelling units shall apply to assessments made after December 31, 1994.

4. Where real property is used or held for use for more than one purpose and such uses result in different classifications, the county assessor shall allocate to each classification the percentage of the true value in money of the property devoted to each use; except that, where agricultural and horticultural property, as defined in this section, also contains a dwelling unit or units, the farm dwelling, appurtenant residential-related structures and up to five acres immediately surrounding such farm dwelling shall be residential property, as defined in this section.

5. All real property which is vacant, unused, or held for future use; which is used for a private club, a not-for-profit or other nonexempt lodge, club, business, trade, service organization, or similar entity; or for which a determination as to its classification cannot be made under the definitions set out in subsection 1 of this section, shall be classified according to its immediate most suitable economic use, which use shall be determined after consideration of:

- (1) Immediate prior use, if any, of such property;
- (2) Location of such property;
- (3) Zoning classification of such property; except that, such zoning classification shall not be considered conclusive if, upon consideration of all factors, it is determined that such zoning classification does not reflect the immediate most suitable economic use of the property;
- (4) Other legal restrictions on the use of such property;
- (5) Availability of water, electricity, gas, sewers, street lighting, and other public services for such property;
- (6) Size of such property;
- (7) Access of such property to public thoroughfares; and
- (8) Any other factors relevant to a determination of the immediate most suitable economic use of such property.

6. All lands classified as forest croplands shall not, for taxation purposes, be classified as subclass (1), subclass (2), or subclass (3) real property, as such classes are prescribed in section 4(b) of article X of the Missouri Constitution and defined in this section, but shall be taxed in accordance with the laws enacted to implement section 7 of article X of the Missouri Constitution."; and

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

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

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

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, Page 24, Section 137.082, Line 83, by inserting after all of said line the following:

"137.092. 1. As used in this section, the following terms mean:

(1) "Personal property", any house trailer, manufactured home, [boat, vessel, floating home, floating structure,] airplane, or aircraft;

(2) "Rental or leasing facility", any manufactured home park, manufactured home storage facility, [marina or comparable facility providing dockage or storage space,] or any hangar or similar aircraft storage facility.

2. For all calendar years beginning on or after January 1, 2008, every owner of a rental or leasing facility shall, by January thirtieth of each year, furnish the assessor of the county in which the rental or leasing facility is located a list of the [personal property] **lessees** located at the rental or leasing facility on January first of each year. The list shall include:

(1) The name of the [owner of the personal property] **lessee**;

(2) The [owner's] **lessee's** address and county of residency[, if known];

(3) A description of the personal property located at the facility if the owner of the rental or leasing facility knows of or has been made aware of the nature of such personal property.

3. If the owner of a rental or leasing facility fails to submit the list by January thirtieth of each year, or fails to include all the information required by this section on the list, the valuation of the personal property that is not listed as required by this section and that is located at the rental or leasing facility shall be assessed to the owner of the rental or leasing facility.

4. The assessor of the county in which the rental or leasing facility is located shall also collect a penalty as additional tax on the assessed valuation of such personal property that is not listed as required by this section. The penalty shall be collected as follows:

Assessed valuation	Penalty
\$0 to \$1,000	\$10.00
\$1,001 to \$2,000	\$20.00
\$2,001 to \$3,000	\$30.00
\$3,001 to \$4,000	\$40.00
\$4,001 to \$5,000	\$50.00
\$5,001 to \$6,000	\$60.00
\$6,001 to \$7,000	\$70.00
\$7,001 to \$8,000	\$80.00
\$8,001 to \$9,000	\$90.00
\$9,001 and above	\$100.00

5. The funds derived from the penalty collected under this section shall be disbursed proportionately to any taxing entity authorized to levy a tax on such personal property. No rental or leasing facility owner penalized under this section shall be subject to any penalty authorized in section 137.280 or 137.345 for the same personal property in the same tax year."; and

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

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

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

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, Section 163.044, Page 50, Line 13, by inserting after all of said line, the following:

**"Section 1. The director of the department of revenue shall collect a maximum fee of two cents per motor vehicle or driver license record for batch/bulk customer requests that meet the criteria enumerated in the Drivers Privacy and Protection Act.";** and

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

Representative Cox assumed the Chair.

Representative Brown (30) offered **House Amendment No. 1 to House Amendment No. 6.**

Speaker Pro Tem Pratt assumed the Chair.

**House Amendment No. 1 to House Amendment No. 6** was withdrawn.

Representative Talboy offered **House Amendment No. 2 to House Amendment No. 6.**

*House Amendment No. 2  
to  
House Amendment No. 6*

AMEND House Amendment No. 6 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, Line 5, by deleting the word "two" and replacing with ".5".

On motion of Representative Talboy, **House Amendment No. 2 to House Amendment No. 6** was adopted by the following vote:

AYES: 144

Aull	Baker 25	Baker 123	Bivins	Bland
Brandom	Bringer	Brown 30	Brown 50	Bruns
Burnett	Casey	Chappelle-Nadal	Cooper 155	Corcoran
Cox	Cunningham 86	Curls	Darrough	Daus
Davis	Day	Deeken	Dethrow	Dixon
Donnelly	Dougherty	Dusenberg	Emery	Ervin
Faith	Fallert	Fares	Fisher	Flook
Frame	Franz	Funderburk	George	Grill
Grisamore	Guest	Harris 23	Harris 110	Hobbs
Hodges	Holsman	Hoskins	Hubbard	Hughes
Hunter	Ice	Johnson	Jones 89	Jones 117
Kelly	Kingery	Komo	Kratky	Kraus
Kuessner	Lampe	Lembke	LeVota	Liese
Lipke	Loehner	Low 39	Lowe 44	Marsh
May	McGhee	Meadows	Meiners	Moore
Munzlinger	Muschany	Nance	Nasheed	Nieves
Nolte	Norr	Onder	Oxford	Page
Parkinson	Parson	Pearce	Pollock	Portwood
Pratt	Quinn 9	Robb	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schneider	Schoeller	Schoemehl	Shively
Silvey	Skaggs	Smith 14	Smith 150	Stevenson
St. Onge	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Threlkeld	Tilley	Todd
Viebrock	Villa	Vogt	Wallace	Walsh
Walton	Weter	Whorton	Wildberger	Wilson 119
Wilson 130	Witte	Wood	Yaeger	Yates
Young	Zimmerman	Zweifel	Mr Speaker	

NOES: 009

Avery	Cunningham 145	Denison	Kasten	Quinn 7
Richard	Self	Wells	Wright 159	

PRESENT: 000

ABSENT WITH LEAVE: 008

Cooper 120	El-Amin	Haywood	McClanahan	Robinson
Spreng	Wasson	Wright-Jones		

VACANCIES: 002

Representative Brown (30) offered **House Amendment No. 3 to House Amendment No. 6.**

**House Amendment No. 3 to House Amendment No. 6** was withdrawn.

Representative Hobbs assumed the Chair.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 089

Baker 123	Bivins	Brandom	Brown 30	Bruns
Cooper 155	Cox	Cunningham 145	Cunningham 86	Davis
Day	Deeken	Denison	Dethrow	Dixon
Dusenberg	Emery	Ervin	Faith	Fares
Fisher	Flook	Franz	Funderburk	Grisamore
Guest	Hobbs	Hunter	Icet	Jones 89
Jones 117	Kasten	Kelly	Kingery	Kraus
Lembke	Lipke	Loehner	Marsh	May
McGhee	Moore	Munzlinger	Muschany	Nance
Nieves	Nolte	Onder	Parkinson	Parson
Pearce	Pollock	Portwood	Pratt	Quinn 7
Richard	Robb	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schneider	Schoeller	Self	Silvey	Smith 14
Smith 150	Stevenson	St. Onge	Stream	Sutherland
Thomson	Threlkeld	Tilley	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wood	Wright 159	Yates	Mr Speaker	

NOES: 061

Aull	Baker 25	Bland	Bringer	Brown 50
Burnett	Casey	Chappelle-Nadal	Corcoran	Curls
Darrough	Daus	Donnelly	Dougherty	Fallert
Frame	Grill	Harris 23	Harris 110	Hodges
Holsman	Hoskins	Hubbard	Hughes	Johnson
Komo	Kratky	Kuessner	Lampe	LeVota
Liese	Low 39	Lowe 44	McClanahan	Meadows
Meiners	Nasheed	Norr	Oxford	Page
Quinn 9	Roorda	Salva	Scavuzzo	Schieffer
Schoemehl	Shively	Skaggs	Storch	Swinger
Talboy	Todd	Villa	Vogt	Walsh

Whorton	Witte	Yaeger	Young	Zimmerman
Zweifel				

PRESENT: 000

ABSENT WITH LEAVE: 011

Avery	Cooper 120	El-Amin	George	Haywood
Robinson	Rucker	Spreng	Walton	Wildberger
Wright-Jones				

VACANCIES: 002

Speaker Jetton resumed the Chair.

On motion of Representative Stevenson, **House Amendment No. 6, as amended**, was adopted by the following vote:

AYES: 151

Aull	Avery	Baker 25	Baker 123	Bivins
Bland	Brandom	Brown 30	Brown 50	Bruns
Burnett	Casey	Chappelle-Nadal	Cooper 155	Corcoran
Cox	Cunningham 145	Cunningham 86	Curls	Darrough
Daus	Davis	Day	Deeken	Denison
Dethrow	Dixon	Donnelly	Dougherty	Dusenberg
Emery	Ervin	Faith	Fares	Fisher
Flook	Frame	Franz	Funderburk	George
Grill	Grisamore	Guest	Harris 23	Harris 110
Hobbs	Hodges	Holsman	Hoskins	Hubbard
Hunter	Ice	Johnson	Jones 89	Jones 117
Kasten	Kelly	Kingery	Komo	Kratky
Kraus	Kuessner	Lampe	Lembke	LeVota
Liese	Lipke	Loehner	Low 39	Lowe 44
Marsh	May	McClanahan	McGhee	Meadows
Meiners	Moore	Munzlinger	Muschany	Nance
Nasheed	Nieves	Nolte	Norr	Onder
Oxford	Page	Parkinson	Parson	Pearce
Pollock	Portwood	Pratt	Quinn 7	Quinn 9
Richard	Robb	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schneider	Schoeller	Schoemehl	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Stevenson
St. Onge	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Threlkeld	Tilley	Todd
Viebrock	Villa	Vogt	Wallace	Walsh
Walton	Wasson	Wells	Weter	Whorton
Wildberger	Wilson 119	Wilson 130	Witte	Wood
Wright 159	Yates	Young	Zimmerman	Zweifel
Mr Speaker				

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NOES: 002

Bringer Yaeger

PRESENT: 000

ABSENT WITH LEAVE: 008

Cooper 120 El-Amin Fallert Haywood Hughes  
Robinson Spreng Wright-Jones

VACANCIES: 002

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Avery	Baker 123	Bivins	Brandom	Brown 30
Bruns	Cooper 120	Cooper 155	Cox	Cunningham 145
Cunningham 86	Davis	Day	Deeken	Denison
Dethrow	Dixon	Dusenberg	Emery	Ervin
Faith	Fisher	Flook	Franz	Funderburk
Grisamore	Guest	Icet	Jones 89	Jones 117
Kasten	Kelly	Kingery	Kraus	Lembke
Lipke	Loehner	Marsh	May	McGhee
Moore	Munzlinger	Muschany	Nance	Nieves
Nolte	Onder	Parkinson	Parson	Pollock
Portwood	Pratt	Quinn 7	Richard	Robb
Ruestman	Ruzicka	Sander	Sater	Schaaf
Schad	Scharnhorst	Schneider	Schoeller	Self
Silvey	Smith 14	Smith 150	Stevenson	St. Onge
Stream	Sutherland	Thomson	Threlkeld	Tilley
Viebrock	Wallace	Wells	Weter	Wilson 119
Wilson 130	Wood	Wright 159	Yates	Mr Speaker

NOES: 063

Aull	Baker 25	Bland	Bringer	Brown 50
Burnett	Casey	Chappelle-Nadal	Corcoran	Curls
Darrough	Daus	Donnelly	Dougherty	Fallert
Frame	George	Grill	Harris 23	Harris 110
Hodges	Holsman	Hoskins	Hubbard	Hughes
Johnson	Komo	Kratky	Kuessner	Lampe
LeVota	Lowe 44	McClanahan	Meadows	Meiners
Nasheed	Norr	Oxford	Page	Quinn 9
Roorda	Rucker	Salva	Scavuzzo	Schieffer
Schoemehl	Shively	Skaggs	Storch	Swinger
Talboy	Todd	Villa	Vogt	Walsh
Walton	Whorton	Wildberger	Witte	Yaeger
Young	Zimmerman	Zweifel		



PRESENT: 000

ABSENT WITH LEAVE: 013

El-Amin	Fares	Haywood	Hobbs	Hunter
Liese	Low 39	Pearce	Robinson	Schlottach
Spreng	Wasson	Wright-Jones		

VACANCIES: 002

On motion of Representative Sutherland, **HCS SS SCS SB 711, as amended**, was adopted by the following vote:

AYES: 151

Avery	Baker 25	Baker 123	Bivins	Bland
Brandom	Brown 30	Brown 50	Bruns	Burnett
Casey	Chappelle-Nadal	Cooper 120	Cooper 155	Corcoran
Cox	Cunningham 145	Cunningham 86	Curls	Darrough
Daus	Davis	Day	Deeken	Denison
Dethrow	Dixon	Donnelly	Dougherty	Dusenberg
Emery	Ervin	Faith	Fallert	Fares
Fisher	Flook	Frame	Franz	Funderburk
George	Grill	Grisamore	Guest	Harris 23
Harris 110	Hobbs	Hodges	Holsman	Hoskins
Hubbard	Hughes	Hunter	Icet	Johnson
Jones 89	Jones 117	Kasten	Kelly	Kingery
Komo	Kratky	Kraus	Kuessner	Lampe
Lembke	LeVota	Liese	Lipke	Loehner
Low 39	Marsh	May	McClanahan	McGhee
Meadows	Meiners	Moore	Munzlinger	Muschany
Nance	Nasheed	Nieves	Nolte	Norr
Onder	Oxford	Page	Parkinson	Parson
Pearce	Pollock	Portwood	Pratt	Quinn 7
Quinn 9	Richard	Robb	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schneider	Schoeller	Schoemehl	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Stevenson	St. Onge	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Threlkeld	Tilley
Todd	Viebrock	Villa	Vogt	Walsh
Walton	Wasson	Wells	Weter	Wildberger
Wilson 119	Wilson 130	Witte	Wood	Wright 159
Yaeger	Yates	Young	Zimmerman	Zweifel
Mr Speaker				

NOES: 005

Aull	Bringer	Lowe 44	Wallace	Whorton
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PRESENT: 000

ABSENT WITH LEAVE: 005

El-Amin                      Haywood                      Robinson                      Spreng                      Wright-Jones

VACANCIES: 002

On motion of Representative Sutherland, **HCS SS SCS SB 711, as amended**, was read the third time and passed by the following vote:

AYES: 147

Avery	Baker 25	Baker 123	Bivins	Bland
Brandom	Brown 30	Brown 50	Bruns	Burnett
Casey	Chappelle-Nadal	Cooper 120	Cooper 155	Corcoran
Cox	Cunningham 145	Cunningham 86	Curls	Darrough
Daus	Davis	Day	Denison	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg	Emery
Ervin	Faith	Fallert	Fares	Fisher
Flook	Frame	Franz	Funderburk	George
Grill	Grisamore	Guest	Harris 23	Harris 110
Haywood	Hobbs	Hodges	Holsman	Hoskins
Hubbard	Hughes	Ice	Johnson	Jones 89
Jones 117	Kasten	Kelly	Kingery	Komo
Kratky	Kraus	Kuessner	Lampe	Lembke
LeVota	Liese	Lipke	Loehner	Low 39
Marsh	May	McClanahan	McGhee	Meadows
Meiners	Moore	Munzlinger	Muschany	Nance
Nasheed	Nieves	Nolte	Norr	Onder
Oxford	Page	Parkinson	Parson	Pearce
Pollock	Portwood	Pratt	Quinn 7	Quinn 9
Richard	Robb	Roorda	Rucker	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Scharnhorst	Schieffer	Schlottach	Schneider	Schoeller
Schoemehl	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Stevenson	St. Onge	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Threlkeld	Tilley	Todd	Viebrock	Villa
Vogt	Walsh	Walton	Wells	Weter
Wildberger	Wilson 119	Wilson 130	Witte	Wood
Wright 159	Yaeger	Yates	Young	Zimmerman
Zweifel	Mr Speaker			

NOES: 006

Aull                      Bringer                      Deeken                      Lowe 44                      Wallace  
Whorton

PRESENT: 000

ABSENT WITH LEAVE: 008

El-Amin	Hunter	Robinson	Ruestman	Schad
Spreng	Wasson	Wright-Jones		

VACANCIES: 002

Speaker Jetton declared the bill passed.

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

### **AFTERNOON SESSION**

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

### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 2987 through House Resolution No. 3035

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

**SCS SB 901**, relating to workers' compensation, was taken up by Representative Hunter.

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

#### *House Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 901, Page 6, Section 287.230, Line 20, by inserting after all of said line the following:

**"Section 1. In applying the provisions of Section 287, it is the intent of the legislature to reject and abrogate the holding in State ex rel. Lakeman v. Siedlik, 872 S.W.2d 503 (Mo. App. W.D. 1994), and all cases citing, interpreting, applying, or following this case.";** and

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

Representative Burnett raised a point of order that **House Amendment No. 1** is not properly drafted.

The point of order was withdrawn.

Representative Burnett raised an additional point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

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

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

AMEND Senate Committee Substitute for Senate Bill No. 901, Section 287.230, Page 6, Line 20, by inserting immediately after said line the following:

**"Section 1. 1. The provisions of chapter 287, RSMo, shall not be construed as prohibiting an employer with fewer than fifty employees from procuring disability insurance for his or her workers provided the insurance the employer purchases is registered with and approved by the division of workers' compensation.**

**2. The division shall establish insurance requirements and verification procedures for employers who obtain disability insurance.**

**3. Any employer purchasing disability insurance shall not be required to pay the second injury fund surcharge as required by section 287.715."; and**

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

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

The Chair ruled the point of order not well taken.

Representative Self moved the previous question.

Which motion was adopted by the following vote:

AYES: 088

Baker 123	Bivins	Brandom	Brown 30	Bruns
Cooper 120	Cooper 155	Cox	Cunningham 145	Cunningham 86
Davis	Day	Deeken	Denison	Dethrow
Dixon	Dusenberg	Emery	Ervin	Faith
Fares	Fisher	Flook	Franz	Funderburk
Grisamore	Guest	Haywood	Hobbs	Hunter
Icet	Jones 89	Jones 117	Kasten	Kelly
Kingery	Kraus	Lembke	Lipke	Loehner
Marsh	May	McGhee	Munzlinger	Muschany
Nance	Nieves	Nolte	Onder	Parkinson
Parson	Pearce	Pratt	Quinn 7	Richard
Robb	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schneider
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	St. Onge	Stream	Sutherland	Thomson
Threlkeld	Tilley	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wood
Wright 159	Yates	Mr Speaker		

NOES: 060

Aull	Baker 25	Bland	Bringer	Brown 50
Burnett	Casey	Chappelle-Nadal	Curls	Darrough
Daus	Donnelly	Dougherty	Fallert	Frame
George	Grill	Harris 23	Harris 110	Hodges
Holsman	Hoskins	Hubbard	Hughes	Johnson
Komo	Kratky	Kuessner	Lampe	LeVota

Liese	Low 39	Lowe 44	McClanahan	Meadows
Meiners	Nasheed	Norr	Oxford	Page
Quinn 9	Roorda	Rucker	Salva	Scavuzzo
Schieffer	Shively	Skaggs	Storch	Swinger
Talboy	Todd	Villa	Vogt	Walsh
Whorton	Wildberger	Witte	Wright-Jones	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 013

Avery	Corcoran	El-Amin	Moore	Pollock
Portwood	Robinson	Schoemehl	Spreng	Walton
Yaeger	Young	Zweifel		

VACANCIES: 002

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

AYES: 083

Baker 123	Bivins	Brandom	Bruns	Cooper 120
Cooper 155	Cunningham 145	Cunningham 86	Davis	Day
Deeken	Denison	Dethrow	Dixon	Dusenberg
Emery	Ervin	Faith	Fares	Fisher
Flook	Franz	Funderburk	Grisamore	Guest
Hobbs	Hunter	Ice	Jones 89	Jones 117
Kasten	Kelly	Kingery	Loehner	Marsh
May	McGhee	Munzlinger	Muschany	Nance
Nieves	Nolte	Onder	Parkinson	Parson
Pearce	Pollock	Portwood	Pratt	Quinn 7
Richard	Robb	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schneider	Schoeller	Self	Smith 14	Smith 150
Stevenson	St. Onge	Stream	Sutherland	Thomson
Threlkeld	Tilley	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wood
Wright 159	Yates	Mr Speaker		

NOES: 070

Aull	Avery	Baker 25	Bland	Bringer
Brown 30	Brown 50	Burnett	Casey	Chappelle-Nadal
Cox	Curls	Darrough	Daus	Donnelly
Dougherty	Fallert	Frame	George	Grill
Harris 23	Harris 110	Haywood	Hodges	Holsman
Hoskins	Hubbard	Hughes	Johnson	Komo
Kratky	Kraus	Kuessner	Lampe	Lembke
LeVota	Liese	Lipke	Low 39	Lowe 44
McClanahan	Meadows	Meiners	Nasheed	Norr
Oxford	Page	Quinn 9	Roorda	Rucker
Salva	Scavuzzo	Schieffer	Shively	Silvey
Skaggs	Storch	Swinger	Talboy	Todd
Villa	Vogt	Walsh	Whorton	Wildberger
Witte	Wright-Jones	Yaeger	Young	Zimmerman

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PRESENT: 000

ABSENT WITH LEAVE: 008

Corcoran	El-Amin	Moore	Robinson	Schoemehl
Spreng	Walton	Zweifel		

VACANCIES: 002

On motion of Representative Hunter, **SCS SB 901, as amended**, was read the third time and passed by the following vote:

AYES: 083

Avery	Baker 123	Bivins	Brandom	Bruns
Cooper 120	Cooper 155	Cunningham 145	Cunningham 86	Davis
Day	Deeken	Denison	Dethrow	Dixon
Dusenberg	Emery	Ervin	Faith	Fares
Fisher	Flook	Franz	Funderburk	Grisamore
Guest	Hobbs	Hunter	Icet	Jones 89
Jones 117	Kasten	Kelly	Kingery	Loehner
Marsh	May	Munzlinger	Muschany	Nance
Nieves	Nolte	Onder	Parkinson	Parson
Pearce	Pollock	Portwood	Pratt	Quinn 7
Richard	Robb	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schneider	Schoeller	Self	Smith 14	Smith 150
Stevenson	St. Onge	Stream	Sutherland	Thomson
Threlkeld	Tilley	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wood
Wright 159	Yates	Mr Speaker		

NOES: 069

Aull	Baker 25	Bringer	Brown 30	Brown 50
Burnett	Casey	Chappelle-Nadal	Cox	Curls
Darrough	Daus	Donnelly	Dougherty	Fallert
Frame	George	Grill	Harris 23	Harris 110
Haywood	Hodges	Holsman	Hoskins	Hubbard
Hughes	Johnson	Komo	Kratky	Kraus
Kuessner	Lampe	Lembke	LeVota	Liese
Lipke	Low 39	Lowe 44	McClanahan	Meadows
Meiners	Nasheed	Norr	Oxford	Page
Quinn 9	Roorda	Rucker	Salva	Scavuzzo
Schieffer	Shively	Silvey	Skaggs	Storch
Swinger	Talboy	Todd	Villa	Vogt
Walsh	Whorton	Wildberger	Witte	Wright-Jones
Yaeger	Young	Zimmerman	Zweifel	

PRESENT: 000

ABSENT WITH LEAVE: 009

Bland	Corcoran	El-Amin	McGhee	Moore
Robinson	Schoemehl	Spreng	Walton	

VACANCIES: 002

Speaker Pro Tem Pratt declared the bill passed.

Representative Wilson (130) assumed the Chair.

Speaker Jetton resumed the Chair.

Representative Self moved the previous question.

Which motion was adopted by the following vote:

AYES: 087

Avery	Bivins	Brandom	Brown 30	Cooper 120
Cooper 155	Cox	Cunningham 145	Cunningham 86	Davis
Day	Deeken	Denison	Dethrow	Dixon
Dusenberg	Emery	Ervin	Faith	Fares
Fisher	Flook	Franz	Funderburk	Grisamore
Guest	Hobbs	Hunter	Ice	Jones 89
Jones 117	Kasten	Kelly	Kingery	Kraus
Lembke	Lipke	Loehner	Marsh	May
McGhee	Munzlinger	Muschany	Nance	Nieves
Nolte	Onder	Parkinson	Parson	Pearce
Pollock	Portwood	Pratt	Quinn 7	Richard
Robb	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schneider
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	St. Onge	Stream	Sutherland	Thomson
Threlkeld	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wood	Wright 159
Yates	Mr Speaker			

NOES: 066

Aull	Baker 25	Bland	Bringer	Brown 50
Burnett	Casey	Chappelle-Nadal	Corcoran	Curls
Darrough	Daus	Donnelly	Fallert	Frame
George	Grill	Harris 23	Harris 110	Haywood
Hodges	Holsman	Hoskins	Hubbard	Hughes
Johnson	Komo	Kratky	Kuessner	Lampe
LeVota	Liese	Low 39	Lowe 44	McClanahan
Meadows	Meiners	Nasheed	Norr	Oxford
Page	Quinn 9	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schoemehl	Shively	Skaggs
Storch	Swinger	Talboy	Todd	Villa
Vogt	Walsh	Walton	Whorton	Wildberger
Witte	Wright-Jones	Yaeger	Young	Zimmerman
Zweifel				

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PRESENT: 000

ABSENT WITH LEAVE: 008

Baker 123	Bruns	Dougherty	El-Amin	Moore
Robinson	Spreng	Tilley		

VACANCIES: 002

Representative Frame requested verification of the roll call on the motion to move the previous question.

The emergency clause was defeated by the following vote:

AYES: 070

Baker 123	Bivins	Brandom	Cooper 120	Cooper 155
Cunningham 86	Davis	Day	Deeken	Denison
Dethrow	Dixon	Emery	Ervin	Faith
Fares	Fisher	Flook	Franz	Funderburk
Grisamore	Hobbs	Hunter	Ice	Jones 89
Jones 117	Kasten	Kelly	Kingery	Loehner
Marsh	May	Munzlinger	Muschany	Nance
Nieves	Onder	Parkinson	Parson	Pearce
Pollock	Portwood	Pratt	Quinn 7	Richard
Robb	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Self	Smith 150	Stevenson	St. Onge	Thomson
Viebrock	Wallace	Wasson	Wells	Wilson 119
Wilson 130	Wood	Wright 159	Yates	Mr Speaker

NOES: 084

Aull	Avery	Baker 25	Bland	Bringer
Brown 30	Brown 50	Bruns	Burnett	Casey
Chappelle-Nadal	Corcoran	Cox	Curls	Darrough
Daus	Donnelly	Dusenberg	Fallert	Frame
George	Grill	Guest	Harris 23	Harris 110
Haywood	Hodges	Holsman	Hoskins	Hubbard
Hughes	Johnson	Komo	Kratky	Kraus
Kuessner	Lampe	Lembke	LeVota	Liese
Lipke	Low 39	Lowe 44	McClanahan	McGhee
Meadows	Meiners	Nasheed	Nolte	Norr
Oxford	Page	Quinn 9	Roorda	Rucker
Salva	Scavuzzo	Schieffer	Schneider	Shively
Silvey	Skaggs	Smith 14	Storch	Stream
Sutherland	Swinger	Talbot	Threlkeld	Tilley
Todd	Villa	Vogt	Walsh	Walton
Weter	Whorton	Wildberger	Witte	Wright-Jones
Yaeger	Young	Zimmerman	Zweifel	



PRESENT: 001

Schoemehl

ABSENT WITH LEAVE: 006

Cunningham 145

Dougherty

El-Amin

Moore

Robinson

Spreng

VACANCIES: 002

### 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 **HCS HB 1341**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS SCS SB 711, as amended**, and requests the House recede from its position and, failing to do so, grant the Senate a conference thereon.

### BILL CARRYING REQUEST MESSAGE

**HCS SS SCS SB 711, as amended**, relating to property taxation, was taken up by Representative Sutherland.

Representative Sutherland moved that the House refuse to recede from its position on **HCS SS SCS SB 711, as amended**, and grant the Senate a conference.

Representative Skaggs made a substitute motion that the House refuse to recede from its position on **HCS SS SCS SB 711, as amended**, and grant the Senate a conference and the House conferees be bound to the House position on **House Amendment No. 6, as amended**.

Which motion was adopted.

### THIRD READING OF SENATE BILLS

**HCS SB 932**, relating to law enforcement, was taken up by Representative Grisamore.

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

#### *House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 932, Page 1, Section A, Line 2, by inserting after all of said line the following:

"542.276. 1. Any peace officer or prosecuting attorney may make application under section 542.271 for the issuance of a search warrant.

2. The application shall:

- (1) Be in writing;
- (2) State the time and date of the making of the application;
- (3) Identify the property, article, material, substance or person which is to be searched for and seized, in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
- (4) Identify the person, place, or thing which is to be searched, in sufficient detail and particularity that the officer executing the warrant can readily ascertain whom or what he or she is to search;
- (5) State facts sufficient to show probable cause for the issuance of a search warrant;
- (6) Be verified by the oath or affirmation of the applicant;
- (7) Be filed in the proper court;
- (8) Be signed by the prosecuting attorney of the county where the search is to take place, or his or her designated assistant.

3. The application may be supplemented by a written affidavit verified by oath or affirmation. Such affidavit shall be considered in determining whether there is probable cause for the issuance of a search warrant and in filling out any deficiencies in the description of the person, place, or thing to be searched or of the property, article, material, substance, or person to be seized. Oral testimony shall not be considered. The application may be submitted by facsimile or other electronic means.

4. The judge shall determine whether sufficient facts have been stated to justify the issuance of a search warrant. If it appears from the application and any supporting affidavit that there is probable cause to believe that property, article, material, substance, or person subject to seizure is on the person or at the place or in the thing described, a search warrant shall immediately be issued. The warrant shall be issued in the form of an original and two copies.

5. The application and any supporting affidavit and a copy of the warrant shall be retained in the records of the court from which the warrant was issued.

6. The search warrant shall:

- (1) Be in writing and in the name of the state of Missouri;
- (2) Be directed to any peace officer in the state;
- (3) State the time and date the warrant is issued;
- (4) Identify the property, article, material, substance or person which is to be searched for and seized, in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
- (5) Identify the person, place, or thing which is to be searched, in sufficient detail and particularity that the officer executing the warrant can readily ascertain whom or what he or she is to search;
- (6) Command that the described person, place, or thing be searched and that any of the described property, article, material, substance, or person found thereon or therein be seized or photographed or copied and within ten days after filing of the application, any photographs or copies of the items may be filed with the issuing court;
- (7) Be signed by the judge, with his or her title of office indicated.

7. A search warrant issued under this section may be executed only by a peace officer. The warrant shall be executed by conducting the search and seizure commanded. The search warrant issued under this section may be issued by facsimile or other electronic means.

8. A search warrant shall be executed as soon as practicable and shall expire if it is not executed and the return made within ten days after the date of the making of the application. **A search and any subsequent searches of the contents of any property, article, material, or substance seized and removed from the location of the execution of any search warrant during its execution may be conducted at any time during or after the execution of the warrant, subject to the continued existence of probable cause to search the property, article, material, or substance seized and removed. A search and any subsequent searches of the property, article, material, or substance seized and removed may be conducted after the time for delivering the warrant, return, and receipt to the issuing judge has expired. A supplemental return and receipt shall be delivered to the issuing judge upon final completion of any search which concludes after the expiration of time for delivering the original return and receipt.**

9. After execution of the search warrant, the warrant with a return thereon, signed by the officer making the search, shall be delivered to the judge who issued the warrant. The return shall show the date and manner of execution, what was seized, and the name of the possessor and of the owner, when he or she is not the same person, if known. The return shall be accompanied by a copy of the itemized receipt required by subsection 6 of section 542.291. The judge or clerk shall, upon request, deliver a copy of such receipt to the person from whose possession the property was taken and to the applicant for the warrant.

10. A search warrant shall be deemed invalid:

- (1) If it was not issued by a judge; or
- (2) If it was issued without a written application having been filed and verified; or

- (3) If it was issued without probable cause; or
- (4) If it was not issued in the proper county; or
- (5) If it does not describe the person, place, or thing to be searched or the property, article, material, substance, or person to be seized with sufficient certainty; or
- (6) If it is not signed by the judge who issued it; or
- (7) If it was not executed within the time prescribed by subsection 8 of this section."; and

Further amend the title and enacting clause accordingly.

Representative Scharnhorst assumed the Chair.

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

Representative Harris (23) offered **House Amendment No. 2**.

Representative Jones (89) raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

Representative Scharnhorst requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

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

Representative Witte raised a point of order that **House Amendment No. 3** goes beyond the scope of the underlying bill.

Representative Scharnhorst requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

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

Representative Kraus raised a point of order that **House Amendment No. 4** goes beyond the scope of the bill.

Representative Scharnhorst requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

On motion of Representative Grisamore, **HCS SB 932, as amended**, was adopted by the following vote:

AYES: 144

Aull	Baker 25	Baker 123	Bivins	Bland
Brandom	Bringer	Brown 30	Brown 50	Bruns
Burnett	Casey	Chappelle-Nadal	Cooper 155	Corcoran
Cox	Cunningham 145	Cunningham 86	Curls	Darrough
Daus	Davis	Day	Deeken	Denison
Dethrow	Dixon	Donnelly	Dougherty	Dusenberg
Emery	Ervin	Faith	Fallert	Fares
Fisher	Flook	Frame	Franz	George
Grill	Grisamore	Guest	Harris 23	Harris 110
Haywood	Hobbs	Hodges	Holsman	Hoskins
Hubbard	Hughes	Ice	Johnson	Jones 89
Jones 117	Kasten	Kelly	Kingery	Komo
Kratky	Kraus	Kuessner	Lampe	Lembke
LeVota	Liese	Lipke	Loehner	Lowe 44
Marsh	May	McClanahan	McGhee	Meiners
Munzlinger	Muschany	Nance	Nasheed	Nolte
Norr	Onder	Oxford	Page	Parkinson
Parson	Pearce	Portwood	Pratt	Quinn 7
Quinn 9	Robb	Roorda	Rucker	Ruestman
Ruzicka	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schneider
Schoeller	Schoemehl	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Stevenson	St. Onge
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Threlkeld	Todd	Viebrock	Villa
Vogt	Wallace	Walton	Wasson	Wells
Weter	Whorton	Wildberger	Wilson 119	Wilson 130
Witte	Wood	Wright 159	Wright-Jones	Yaeger
Yates	Young	Zimmerman	Zweifel	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 017

Avery	Cooper 120	El-Amin	Funderburk	Hunter
Low 39	Meadows	Moore	Nieves	Pollock
Richard	Robinson	Salva	Spreng	Tilley
Walsh	Mr Speaker			

VACANCIES: 002

On motion of Representative Grisamore, **HCS SB 932, as amended**, was read the third time and passed by the following vote:

AYES: 138

Aull	Baker 25	Baker 123	Bivins	Brandom
Bringer	Brown 30	Brown 50	Bruns	Burnett
Casey	Chappelle-Nadal	Cooper 155	Corcoran	Cox
Cunningham 145	Cunningham 86	Curls	Darrough	Daus
Davis	Day	Deeken	Denison	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg	Emery
Ervin	Faith	Fallert	Fares	Fisher
Flook	Frame	Franz	George	Grill
Grisamore	Guest	Harris 23	Harris 110	Haywood
Hobbs	Hodges	Holsman	Hoskins	Hughes
Johnson	Jones 89	Jones 117	Kasten	Kelly
Kingery	Komo	Kratky	Kraus	Kuessner
Lampe	Lembke	LeVota	Liese	Lipke
Loehner	May	McClanahan	McGhee	Meiners
Munzlinger	Muschany	Nance	Nolte	Norr
Onder	Oxford	Page	Parkinson	Parson
Pearce	Portwood	Pratt	Quinn 7	Quinn 9
Robb	Roorda	Rucker	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schneider	Schoeller
Schoemehl	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Stevenson	St. Onge	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Threlkeld	Todd	Viebrock	Villa	Wallace
Walsh	Walton	Wasson	Wells	Weter
Whorton	Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright 159	Wright-Jones	Yaeger	Yates
Young	Zimmerman	Zweifel		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 023

Avery	Bland	Cooper 120	El-Amin	Funderburk
Hubbard	Hunter	Icet	Low 39	Lowe 44
Marsh	Meadows	Moore	Nasheed	Nieves
Pollock	Richard	Robinson	Salva	Spreng
Tilley	Vogt	Mr Speaker		

VACANCIES: 002

Representative Scharnhorst declared the bill passed.

Representative Jones (89) assumed the Chair.

**HCS SCS SB 1209**, relating to taxes and fees, was taken up by Representative Sutherland.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1209, Page 28, Section 190.450, Lines 1 to 8, by deleting all of said lines; and

Further amend said bill, Page 29, Section 190.451, Lines 1 to 22, by deleting all of said lines; and

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

Speaker Pro Tem Pratt resumed the Chair.

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1209, Page 3, Section 21.810, Line 55, by inserting after all of said line the following:

"32.057. 1. Except as otherwise specifically provided by law, it shall be unlawful for the director of revenue, any officer, employee, agent or deputy or former director, officer, employee, agent or deputy of the department of revenue, any person engaged or retained by the department of revenue on an independent contract basis, any person to whom authorized or unauthorized disclosure is made by the department of revenue, or any person who lawfully or unlawfully inspects any report or return filed with the department of revenue or to whom a copy, an abstract or a portion of any report or return is furnished by the department of revenue to make known in any manner, to permit the inspection or use of or to divulge to anyone any information relative to any such report or return, any information obtained by an investigation conducted by the department in the discharge of official duty, or any information received by the director in cooperation with the United States or other states in the enforcement of the revenue laws of this state. Such confidential information is limited to information received by the department in connection with the administration of the tax laws of this state.

2. Nothing in this section shall be construed to prohibit:

(1) The disclosure of information, returns, reports, or facts shown thereby, as described in subsection 1 of this section, by any officer, clerk or other employee of the department of revenue charged with the custody of such information:

(a) To a taxpayer or the taxpayer's duly authorized representative under regulations which the director of revenue may prescribe;

(b) In any action or proceeding, civil, criminal or mixed, brought to enforce the revenue laws of this state;

(c) To the state auditor or the auditor's duly authorized employees as required by subsection 4 of this section;

(d) To any city officer designated by ordinance of a city within this state to collect a city earnings tax, upon written request of such officer, which request states that the request is made for the purpose of determining or enforcing compliance with such city earnings tax ordinance and provided that such information disclosed shall be limited to that sufficient to identify the taxpayer, and further provided that in no event shall any information be disclosed that will result in the department of revenue being denied such information by the United States or any other state. The city officer requesting the identity of taxpayers filing state returns but not paying city earnings tax shall furnish to the director of revenue a list of taxpayers paying such earnings tax, and the director shall compare the list submitted with the director's records and return to such city official the name and address of any taxpayer who is a resident of such city who has filed a state tax return but who does not appear on the list furnished by such city. The director of revenue may set a fee to reimburse the department for the costs reasonably incurred in providing this information;

(e) To any employee of any county or other political subdivision imposing a sales tax which is administered by the state department of revenue whose office is authorized by the governing body of the county or other political subdivision to receive any and all records of the state director of revenue pertaining to the administration, collection and enforcement of its sales tax. The request for sales tax records and reports shall include a description of the type of report requested, the media form including electronic transfer, computer tape or disk, or printed form, and the frequency desired. The request shall be made by annual written application and shall be filed with the director of revenue. The

director of revenue may set a fee to reimburse the department for the costs reasonably incurred in providing this information. Such city or county or any employee thereof shall be subject to the same standards for confidentiality as required for the department of revenue in using the information contained in the reports;

(f) To the director of the department of economic development or the director's duly authorized employees in discharging the director's official duties to certify taxpayers eligibility to claim state tax credits as prescribed by statutes;

(g) To any employee of any political subdivision, such records of the director of revenue pertaining to the administration, collection and enforcement of the tax imposed in chapter 149, RSMo, as are necessary for ensuring compliance with any cigarette or tobacco tax imposed by such political subdivision. The request for such records shall be made in writing to the director of revenue, and shall include a description of the type of information requested and the desired frequency. The director of revenue may charge a fee to reimburse the department for costs reasonably incurred in providing such information;

(2) The publication by the director of revenue or of the state auditor in the audit reports relating to the department of revenue of:

(a) Statistics, statements or explanations so classified as to prevent the identification of any taxpayer or of any particular reports or returns and the items thereof;

(b) The names and addresses without any additional information of persons who filed returns and of persons whose tax refund checks have been returned undelivered by the United States Post Office;

(3) The director of revenue from permitting the Secretary of the Treasury of the United States or the Secretary's delegates, the proper officer of any state of the United States imposing a tax equivalent to any of the taxes administered by the department of revenue of the state of Missouri or the appropriate representative of the multistate tax commission to inspect any return or report required by the respective tax provision of this state, or may furnish to such officer an abstract of the return or report or supply the officer with information contained in the return or disclosed by the report of any authorized investigation. Such permission, however, shall be granted on condition that the corresponding revenue statute of the United States or of such other state, as the case may be, grants substantially similar privileges to the director of revenue and on further condition that such corresponding statute gives confidential status to the material with which it is concerned;

(4) The disclosure of information, returns, reports, or facts shown thereby, by any person on behalf of the director of revenue, in any action or proceeding to which the director is a party or on behalf of any party to any action or proceeding pursuant to the revenue laws of this state when such information is directly involved in the action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of such information as is pertinent to the action or proceeding and no more;

(5) The disclosure of information, returns, reports, or facts shown thereby, by any person to a state or federal prosecuting official, including, but not limited to, the state and federal attorneys general, or the official's designees involved in any criminal, quasi-criminal, or civil investigation, action or proceeding pursuant to the laws of this state or of the United States when such information is pertinent to an investigation, action or proceeding involving the administration of the revenue laws or duties of public office or employment connected therewith;

(6) Any school district from obtaining the aggregate amount of the financial institution tax paid pursuant to chapter 148, RSMo, by financial institutions located partially or exclusively within the school district's boundaries, provided that the school district request such disclosure in writing to the department of revenue;

(7) The disclosure of records which identify all companies licensed by this state pursuant to the provisions of subsections 1 and 2 of section 149.035, RSMo. The director of revenue may charge a fee to reimburse the department for the costs reasonably incurred in providing such records;

(8) The disclosure to the commissioner of administration pursuant to section 34.040, RSMo, of a list of vendors and their affiliates who meet the conditions of section 144.635, RSMo, but refuse to collect the use tax levied pursuant to chapter 144, RSMo, on their sales delivered to this state;

**(9) The disclosure to the public of any information, returns, reports, or facts shown thereby regarding the claiming of a state tax credit by a member of the Missouri general assembly.**

3. Any person violating any provision of subsection 1 or 2 of this section shall, upon conviction, be guilty of a class D felony.

4. The state auditor or the auditor's duly authorized employees who have taken the oath of confidentiality required by section 29.070, RSMo, shall have the right to inspect any report or return filed with the department of revenue if such inspection is related to and for the purpose of auditing the department of revenue; except that, the state auditor or the auditor's duly authorized employees shall have no greater right of access to, use and publication of information, audit and related activities with respect to income tax information obtained by the department of revenue pursuant to chapter 143, RSMo, or federal statute than specifically exists pursuant to the laws of the United States and of the income tax laws of the state of Missouri."; and

Further amend said bill, Page 15, Section 94.1011, Line 49, by inserting after all of said line the following:

"105.485. 1. Each financial interest statement required by sections 105.483 to 105.492 shall be on a form prescribed by the commission and shall be signed and verified by a written declaration that it is made under penalties of perjury; provided, however, the form shall not seek information which is not specifically required by sections 105.483 to 105.492.

2. Each person required to file a financial interest statement pursuant to subdivisions (1) to (12) of section 105.483 shall file the following information for himself, his spouse and dependent children at any time during the period covered by the statement, whether singularly or collectively; provided, however, that said person, if he does not know and his spouse will not divulge any information required to be reported by this section concerning the financial interest of his spouse, shall state on his financial interest statement that he has disclosed that information known to him and that his spouse has refused or failed to provide other information upon his bona fide request, and such statement shall be deemed to satisfy the requirements of this section for such financial interest of his spouse; and provided further if the spouse of any person required to file a financial interest statement is also required by section 105.483 to file a financial interest statement, the financial interest statement filed by each need not disclose the financial interest of the other, provided that each financial interest statement shall state that the spouse of the person has filed a separate financial interest statement and the name under which the statement was filed:

(1) The name and address of each of the employers of such person from whom income of one thousand dollars or more was received during the year covered by the statement;

(2) The name and address of each sole proprietorship which he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partners' units; and the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;

(3) The name and address of any other source not reported pursuant to subdivisions (1) and (2) and subdivisions (4) to (9) of this subsection from which such person received one thousand dollars or more of income during the year covered by the statement, including, but not limited to, any income otherwise required to be reported on any tax return such person is required by law to file; except that only the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system need be reported pursuant to this subdivision;

(4) The location by county, the subclassification for property tax assessment purposes, the approximate size and a description of the major improvements and use for each parcel of real property in the state, other than the individual's personal residence, having a fair market value of ten thousand dollars or more in which such person held a vested interest including a leasehold for a term of ten years or longer, and, if the property was transferred during the year covered by the statement, the name and address of the persons furnishing or receiving consideration for such transfer;

(5) The name and address of each entity in which such person owned stock, bonds or other equity interest with a value in excess of ten thousand dollars; except that, if the entity is a corporation listed on a regulated stock exchange, only the name of the corporation need be listed; and provided that any member of any board or commission of the state or any political subdivision who does not receive any compensation for his services to the state or political subdivision other than reimbursement for his actual expenses or a per diem allowance as prescribed by law for each day of such service need not report interests in publicly traded corporations or limited partnerships which are listed on a regulated stock exchange or automated quotation system pursuant to this subdivision; and provided further that the provisions of this subdivision shall not require reporting of any interest in any qualified plan or annuity pursuant to the Employees' Retirement Income Security Act;

(6) The name and address of each corporation for which such person served in the capacity of a director, officer or receiver;

(7) The name and address of each not-for-profit corporation and each association, organization, or union, whether incorporated or not, except not-for-profit corporations formed to provide church services, fraternal organizations or service clubs from which the officer or employee draws no remuneration, in which such person was an officer, director, employee or trustee at any time during the year covered by the statement, and for each such organization, a general description of the nature and purpose of the organization;



(8) The name and address of each source from which such person received a gift or gifts, or honorarium or honoraria in excess of two hundred dollars in value per source during the year covered by the statement other than gifts from persons within the third degree of consanguinity or affinity of the person filing the financial interest statement. For the purposes of this section, a "gift" shall not be construed to mean political contributions otherwise required to be reported by law or hospitality such as food, beverages or admissions to social, art, or sporting events or the like, or informational material. For the purposes of this section, a "gift" shall include gifts to or by creditors of the individual for the purpose of canceling, reducing or otherwise forgiving the indebtedness of the individual to that creditor;

(9) The lodging and travel expenses provided by any third person for expenses incurred outside the state of Missouri whether by gift or in relation to the duties of office of such official, except that such statement shall not include travel or lodging expenses:

(a) Paid in the ordinary course of business for businesses described in subdivisions (1), (2), (5) and (6) of this subsection which are related to the duties of office of such official; or

(b) For which the official may be reimbursed as provided by law; or

(c) Paid by persons related by the third degree of consanguinity or affinity to the person filing the statement; or

(d) Expenses which are reported by the campaign committee or candidate committee of the person filing the statement pursuant to the provisions of chapter 130, RSMo; or

(e) Paid for purely personal purposes which are not related to the person's official duties by a third person who is not a lobbyist, a lobbyist principal or member, or officer or director of a member, of any association or entity which employs a lobbyist. The statement shall include the name and address of such person who paid the expenses, the date such expenses were incurred, the amount incurred, the location of the travel and lodging, and the nature of the services rendered or reason for the expenses;

(10) The assets in any revocable trust of which the individual is the settlor if such assets would otherwise be required to be reported under this section;

(11) The name, position and relationship of any relative within the first degree of consanguinity or affinity to any other person who:

(a) Is employed by the state of Missouri, by a political subdivision of the state or special district, as defined in section 115.013, RSMo, of the state of Missouri;

(b) Is a lobbyist; or

(c) Is a fee agent of the department of revenue;

(12) The name and address of each campaign committee, political committee, candidate committee, or continuing committee for which such person or any corporation listed on such person's financial interest statement received payment; **and**

**(13) For members of the general assembly or any statewide elected public official, their spouses, and their dependent children, whether any state tax credits were claimed on the member's, spouse's, or dependent child's most recent state income tax return.**

3. For the purposes of subdivisions (1), (2) and (3) of subsection 2 of this section, an individual shall be deemed to have received a salary from his employer or income from any source at the time when he shall receive a negotiable instrument whether or not payable at a later date and at the time when under the practice of his employer or the terms of an agreement, he has earned or is entitled to anything of actual value whether or not delivery of the value is deferred or right to it has vested. The term "income" as used in this section shall have the same meaning as provided in the Internal Revenue Code of 1986, and amendments thereto, as the same may be or becomes effective, at any time or from time to time for the taxable year, provided that income shall not be considered received or earned for purposes of this section from a partnership or sole proprietorship until such income is converted from business to personal use.

4. Each official, officer or employee or candidate of any political subdivision described in subdivision (11) of section 105.483 shall be required to file a financial interest statement as required by subsection 2 of this section, unless the political subdivision biennially adopts an ordinance, order or resolution at an open meeting by September fifteenth of the preceding year, which establishes and makes public its own method of disclosing potential conflicts of interest and substantial interests and therefore excludes the political subdivision or district and its officers and employees from the requirements of subsection 2 of this section. A certified copy of the ordinance, order or resolution shall be sent to the commission within ten days of its adoption. The commission shall assist any political subdivision in developing forms to complete the requirements of this subsection. The ordinance, order or resolution shall contain, at a minimum, the following requirements with respect to disclosure of substantial interests:

(1) Disclosure in writing of the following described transactions, if any such transactions were engaged in during the calendar year:

(a) For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision;

(b) The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision;

(2) The chief administrative officer and chief purchasing officer of such political subdivision shall disclose in writing the information described in subdivisions (1), (2) and (6) of subsection 2 of this section;

(3) Disclosure of such other financial interests applicable to officials, officers and employees of the political subdivision, as may be required by the ordinance or resolution;

(4) Duplicate disclosure reports made pursuant to this subsection shall be filed with the commission and the governing body of the political subdivision. The clerk of such governing body shall maintain such disclosure reports available for public inspection and copying during normal business hours.

135.030. 1. As used in this section:

(1) The term "maximum upper limit" shall, for each calendar year after December 31, 1997, but before calendar year 2008, be the sum of twenty-five thousand dollars. For [the] **all** calendar [year] **years** beginning **on or after** January 1, 2008, the maximum upper limit shall be the sum of twenty-seven thousand five hundred dollars;

(2) The term "minimum base" shall, for each calendar year after December 31, 1997, but before calendar year 2008, be the sum of thirteen thousand dollars. For [the] **all** calendar [year] **years** beginning **on or after** January 1, 2008, the minimum base shall be the sum of fourteen thousand three hundred dollars.

2. If the income on a return is equal to or less than the maximum upper limit for the calendar year for which the return is filed, the property tax credit shall be determined from a table of credits based upon the amount by which the total property tax described in section 135.025 exceeds the percent of income in the following list:

If the income on the return is:	The percent is:
Not over the minimum base	0 percent with credit not to exceed actual property tax or rent equivalent paid up to [\$750] <b>\$1,100</b>
Over the minimum base but not over the maximum upper limit	1/16 percent accumulative per \$300 from 0 percent to 4 percent.

The director of revenue shall prescribe a table based upon the preceding sentences. The property tax shall be in increments of twenty-five dollars and the income in increments of three hundred dollars. The credit shall be the amount rounded to the nearest whole dollar computed on the basis of the property tax and income at the midpoints of each increment. As used in this subsection, the term "accumulative" means an increase by continuous or repeated application of the percent to the income increment at each three hundred dollar level.

3. Notwithstanding subsection 4 of section 32.057, RSMo, the department of revenue or any duly authorized employee or agent shall determine whether any taxpayer filing a report or return with the department of revenue who has not applied for the credit allowed pursuant to section 135.020 may qualify for the credit, and shall notify any qualified claimant of the claimant's potential eligibility, where the department determines such potential eligibility exists.

135.305. A Missouri wood energy producer shall be eligible for a tax credit on taxes otherwise due under chapter 143, RSMo, except sections 143.191 to 143.261, RSMo, as a production incentive to produce processed wood products in a qualified wood producing facility using Missouri forest product residue. The tax credit to the wood energy producer shall be five dollars per ton of processed material. The credit may be claimed for a period of five years and is to be a tax credit against the tax otherwise due. **No new tax credits, provided for under sections 135.300 to 135.311, shall be authorized after June 30, 2013.**"; and

Further amend said bill, Page 18, Section 135.610, Line 50, by inserting after all of said line the following:

"135.800. 1. The provisions of sections 135.800 to 135.830 shall be known and may be cited as the "Tax Credit Accountability Act of 2004".

2. As used in sections 135.800 to 135.830, the following terms mean:

(1) "Administering agency", the state agency or department charged with administering a particular tax credit program, as set forth by the program's enacting statute; where no department or agency is set forth, the department of revenue;

(2) "Agricultural tax credits", the agricultural product utilization contributor tax credit created pursuant to section 348.430, RSMo, the new generation cooperative incentive tax credit created pursuant to section 348.432, RSMo, and the wine and grape production tax credit created pursuant to section 135.700;

(3) "All tax credit programs", the tax credit programs included in the definitions of agricultural tax credits, business recruitment tax credits, community development tax credits, domestic and social tax credits, entrepreneurial tax credits, environmental tax credits, housing tax credits, redevelopment tax credits, and training and educational tax credits;

(4) "Business recruitment tax credits", the business facility tax credit created pursuant to sections 135.110 to 135.150 and section 135.258, the enterprise zone tax benefits created pursuant to sections 135.200 to 135.270, the business use incentives for large-scale development programs created pursuant to sections 100.700 to 100.850, RSMo, the development tax credits created pursuant to sections 32.100 to 32.125, RSMo, the rebuilding communities tax credit created pursuant to section 135.535, and the film production tax credit created pursuant to section 135.750;

(5) "Community development tax credits", the neighborhood assistance tax credit created pursuant to sections 32.100 to 32.125, RSMo, the family development account tax credit created pursuant to sections 208.750 to 208.775, RSMo, the dry fire hydrant tax credit created pursuant to section 320.093, RSMo, and the transportation development tax credit created pursuant to section 135.545;

(6) "Domestic and social tax credits", the youth opportunities tax credit created pursuant to section 135.460 and sections 620.1100 to 620.1103, RSMo, the shelter for victims of domestic violence created pursuant to section 135.550, the senior citizen or disabled person property tax credit created pursuant to sections 135.010 to 135.035, the special needs adoption tax credit created pursuant to sections 135.325 to 135.339, the maternity home tax credit created pursuant to section 135.600, and the shared care tax credit created pursuant to section 660.055, RSMo;

(7) "Entrepreneurial tax credits", the capital tax credit created pursuant to sections 135.400 to 135.429, the certified capital company tax credit created pursuant to sections 135.500 to 135.529, the seed capital tax credit created pursuant to sections 348.300 to 348.318, RSMo, the new enterprise creation tax credit created pursuant to sections 620.635 to 620.653, RSMo, the research tax credit created pursuant to section 620.1039, RSMo, the small business incubator tax credit created pursuant to section 620.495, RSMo, the guarantee fee tax credit created pursuant to section 135.766, and the new generation cooperative tax credit created pursuant to sections 32.105 to 32.125, RSMo;

(8) "Environmental tax credits", the charcoal producer tax credit created pursuant to section 135.313, the wood energy tax credit created pursuant to sections 135.300 to 135.311[, and the manufacturing and recycling flexible cellulose casing tax credit created pursuant to section 260.285, RSMo];

(9) "Housing tax credits", the neighborhood preservation tax credit created pursuant to sections 135.475 to 135.487, the low-income housing tax credit created pursuant to sections 135.350 to 135.363, and the affordable housing tax credit created pursuant to sections 32.105 to 32.125, RSMo;

(10) "Recipient", the individual or entity who is the original applicant for and who receives proceeds from a tax credit program directly from the administering agency, the person or entity responsible for the reporting requirements established in section 135.805;

(11) "Redevelopment tax credits", the historic preservation tax credit created pursuant to sections 253.545 to 253.561, RSMo, the brownfield redevelopment program tax credit created pursuant to sections 447.700 to 447.718, RSMo, the community development corporations tax credit created pursuant to sections 135.400 to 135.430, the infrastructure tax credit created pursuant to subsection 6 of section 100.286, RSMo, the bond guarantee tax credit created pursuant to section 100.297, RSMo, and the disabled access tax credit created pursuant to section 135.490;

(12) "Training and educational tax credits", the community college new jobs tax credit created pursuant to sections 178.892 to 178.896, RSMo[, the skills development account tax credit created pursuant to sections 620.1400 to 620.1460, RSMo, the mature worker tax credit created pursuant to section 620.1560, RSMo, and the sponsorship and mentoring tax credit created pursuant to section 135.348]."; and

Further amend said bill, Page 38, Section 478.466, Line 23, by inserting after all of said line the following:

"[135.348. 1. As used in this section, the following terms mean:

(1) "Approved program", a sponsorship and mentoring program established pursuant to this section and approved by the department of elementary and secondary education;

(2) "Eligible student", a resident pupil of a school district who is determined by the local school board to be eligible to participate in a sponsorship and mentoring program pursuant to this section and who participates in such program for no less than eight calendar months in the tax year for which a return is filed claiming a credit authorized in this section;

(3) "Net expenditures", only those amounts paid or incurred for the participation of an eligible student participating in an approved sponsorship and mentoring program less any amounts received by the qualified taxpayer from any source for the provision of a sponsorship and mentoring program for an eligible student;

(4) "Qualified taxpayer", an employer who makes expenditures pursuant to this section.

2. For taxable years commencing on or after January 1, 1998, a qualified taxpayer shall be allowed a credit against the tax imposed by chapter 143, RSMo, exclusive of the provisions relating to the withholding of tax as provided in sections 143.191 to 143.265, RSMo, to the extent of the lesser of two thousand dollars times the number of eligible students for which the qualified taxpayer is allowed a credit pursuant to this section or the net expenditures made directly or through a fund during a taxable year by the qualified taxpayer for the participation of an eligible student in an approved sponsorship and mentoring program established pursuant to this section. No credit shall be allowed for any amounts for which any other credit is claimed or allowed under any other provision of state law for the same net expenditures.

3. The tax credit allowed by this section shall be claimed by the qualified taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143, RSMo, after all other credits provided by law have been applied. Where the amount of the credit exceeds the tax liability, the difference between the credit and the tax liability shall not be refundable but may be carried forward to any of the taxpayer's four subsequent taxable years.

4. The department of elementary and secondary education shall establish, by rule, guidelines and criteria for approval of sponsorship and mentoring programs established by school districts and for determining the eligibility of students for participation in sponsorship and mentoring programs established pursuant to this section. Such determinations for eligibility of students shall be based upon a definition of an at-risk student as established by the department by rule.

5. A local school board may establish a sponsorship and mentoring program and apply to the department of elementary and secondary education for approval of such program. A tax credit may only be received pursuant to this section for expenditures for sponsorship and mentoring programs approved by the department. The school board of each district which has an approved program shall annually certify to the department of elementary and secondary education the number of eligible students participating in the program. The principal of any school in a district which has an approved program may recommend, to the local school board, those students who do not meet the definition of "at-risk" students established pursuant to this section, and the school board may submit the names of such students and the circumstances which justify the student's participation in an approved program to the department of elementary and secondary education for approval of such student's participation. If approved by the department, such students shall be considered eligible students for participation in an approved program.

6. The department of elementary and secondary education shall provide written notification to the department of revenue of each eligible student participating in an approved program pursuant to this section, the student's school district, the name of the qualified taxpayer approved to receive a tax credit on the basis of such eligible student's participation in an approved program pursuant to this section and the amount of such credit as determined in subsection 2 of this section. This section is subject to appropriations.]

[260.285. 1. Any manufacturer engaged in this state in production of a meat or poultry food product intended for human consumption that is recycling flexible cellulose casing manufactured from cotton linters used and consumed directly in the production of such food product shall be eligible for

a credit as defined in subsection 2 of this section. For purposes of this section, "cotton linters" means fibers from any plant or wood pulp material used for the creation of flexible cellulose casings.

2. The credit authorized in subsection 1 shall be equal to the amount of state sales or use taxes paid by a manufacturer to a retailer on such packaging material which is subsequently recycled by either the manufacturer or other person or entity to which the manufacturer conveys such packaging materials, less any consideration received by the manufacturer for such conveyance.

3. A manufacturer shall claim the refund in the month following the month in which the material has been recycled or conveyed for recycling. When claiming a credit pursuant to this section, a manufacturer shall provide a detailed accounting of the amount of packaging material recycled, amount of sales or use tax paid on such material, an affidavit attesting that the manufacturer is eligible pursuant to the provisions of this section for the credit being claimed, documentation that the activity constitutes recycling as certified by the director of the department of natural resources and any other documentation determined necessary by the director of the department of revenue. The director shall refund any valid credit claims within sixty days of receipt. If the director determines that a fraudulent claim for the credit has been filed, the director may assess a penalty in an amount not to exceed twice the amount of fraudulent credits claimed.

4. Payment of credits authorized by this section shall not alter the liability of a retailer regarding sales tax on such material. Credits authorized by this section shall be paid from funds appropriated for the refund of taxes.]"; and

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

**HCS SCS SB 1209, as amended, with House Amendment No. 2, pending**, was laid over.

## COMMITTEE REPORTS

**Special Committee on Financial Institutions**, Chairman Cunningham (145) reporting:

Mr. Speaker: Your Special Committee on Financial Institutions, to which was referred **SCS SB 865**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

**Special Committee on Healthcare Transformation**, Chairman Schaaf reporting:

Mr. Speaker: Your Special Committee on Healthcare Transformation, to which was referred **SS SCS SB 1283**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(21)(f) be referred to the Committee on Rules.

**Special Committee on Student Achievement**, Chairman Muschany reporting:

Mr. Speaker: Your Special Committee on Student Achievement, to which was referred **SCS SCR 39**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(21)(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 SS SB 817**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2224**

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Bill No. 2224 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 Bill No. 2224;
2. That the House recede from its position on House Bill No. 2224;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 2224, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Kenny Jones  
/s/ Mike Parson  
/s/ Jeff Roorda  
/s/ Rodney Hubbard

FOR THE SENATE:

/s/ John Griesheimer  
/s/ Robert Mayer  
/s/ Jason Crowell  
/s/ Wes Shoemyer  
/s/ Ryan McKenna

**ADJOURNMENT**

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Wednesday, May 14, 2008.

**CORRECTION TO THE HOUSE JOURNAL**

AFFIDAVIT

I, State Representative Joe Smith, District 14, hereby state and affirm that my vote as recorded on Page 1501 to adopt House Amendment No. 23 to House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 930 & 947 in the House Journal for May 12, 2008 was incorrectly recorded as absent. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted aye. 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 was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 13th day of May 2008.

/s/ Joe Smith  
State Representative

State of Missouri )  
 ) ss.  
Signed in County of Cole )  
Notary Commissioned in County of Miller )

Subscribed and sworn to before me this 13th day of May in the year 2008.

/s/ Megan Limbach  
Notary Public

### COMMITTEE MEETINGS

#### CONFERENCE COMMITTEE NOTICE

Thursday, May 15, 2008, 9:00 a.m. House Chamber south gallery.  
Public hearing to be held on: SCS HCS HB 2279

#### FISCAL REVIEW

Wednesday, May 14, 2008, 8:30 a.m. Hearing Room 1.  
Any bills presented to this committee.

#### FISCAL REVIEW

Thursday, May 15, 2008, 8:30 a.m. Hearing Room 1.  
Any bills presented to this committee.

#### FISCAL REVIEW

Friday, May 16, 2008, 8:30 a.m. Hearing Room 1.  
Any bills presented to this committee.

#### RULES - PURSUANT TO RULE 25(21)(f)

Wednesday, May 14, 2008, Hearing Room 1, 5:00 p.m. or upon afternoon adjournment.  
Any bill referred to the Committee on Rules.  
Executive session may follow. AMENDED.  
Public hearings to be held on: HCS SS SCS SB 1283, SCS SB 865,  
SCS SB 1185, HCS SCS SB 767, HCS SS SCS SB 726, SCS SCR 39

#### SPECIAL COMMITTEE ON IMMIGRATION

Wednesday, May 14, 2008, Hearing Room 7 upon evening adjournment.  
Executive session will be held.

**HOUSE CALENDAR**

SEVENTY-SECOND DAY, WEDNESDAY, MAY 14, 2008

**HOUSE JOINT RESOLUTION FOR PERFECTION**

HCS HJR 64 - Chappelle-Nadal

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1836 - Flook
- 2 HCS#2 HB 1886 - Scharnhorst
- 3 HCS HB 1802 - Wilson (130)
- 4 HB 2144 - Whorton
- 5 HB 1535 - Deeken
- 6 HB 1517 - Cox
- 7 HCS HB 2112 - Emery
- 8 HB 1372 - McGhee
- 9 HCS HB 1590 - Munzlinger
- 10 HCS HB 1504 - Walton
- 11 HCS HB 2156 - Grill
- 12 HCS HB 2159 - Grill
- 13 HB 1562 - Levota
- 14 HCS HB 2239 - Stevenson
- 15 HCS HB 1438 - Kelly
- 16 HCS HB 1990, as amended, HA 2, pending - Wilson (130)
- 17 HCS HB 2110 - Dixon
- 18 HCS HB 1723 - Franz
- 19 HCS HB 1745 - Robb
- 20 HB 1764 - Parson
- 21 HB 1871 - Deeken
- 22 HB 1934 - May
- 23 HCS HB 1974 - Schlottach
- 24 HB 2207 - Hoskins
- 25 HB 2514 - Weter
- 26 HB 1425 - Munzlinger
- 27 HCS HB 1599 - Sater
- 28 HB 1673 - Parson
- 29 HCS HB 1839 - Franz
- 30 HCS HB 1857 - Schaaf
- 31 HB 1954 - Dixon
- 32 HB 2129 - Baker (123)
- 33 HCS HBs 2189, 2208, 2178 & 2333 - Smith (14)
- 34 HCS HB 2282 - Ervin
- 35 HCS HB 2330 - Brandom
- 36 HB 2343 - Wilson (130)
- 37 HB 2365 - Pratt



- 38 HB 2429 - Hunter
- 39 HB 2458 - Jones (89)
- 40 HCS HB 2508 - Ruestman
- 41 HCS HB 1794 - Deeken
- 42 HCS HB 2354 - Portwood
- 43 HB 2404 - Hubbard
- 44 HCS HB 2494 - Pollock
- 45 HCS HB 1468 - Pratt
- 46 HCS HBs 1809 & 2173 - Ruzicka
- 47 HCS HB 2420 - Baker (123)
- 48 HCS HB 2421 - Meiners
- 49 HB 2555 - Pearce
- 50 HB 1484 - Muschany
- 51 HCS HB 1880 - Schaaf
- 52 HCS HB 1884 - Quinn (7)
- 53 HCS HBs 2281, 2489 & 2537 - Cunningham (86)
- 54 HCS HB 2460 - Emery
- 55 HCS HB 2210 - Jones (89)
- 56 HB 2556 - Hubbard
- 57 HB 1539 - Jones (89)

#### **HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 1929 - Cooper (120)
- 2 HB 1957 - Hughes
- 3 HCS HB 1644, (Fiscal Review 5-01-08), E.C. - Muschany
- 4 HCS HBs 1736 & 2320, (Fiscal Review 5-09-08) - Nolte

#### **HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 1490 - Deeken
- 2 HB 1572 - Franz

#### **HOUSE CONCURRENT RESOLUTIONS**

- 1 HCR 11, (3-05-08, Pages 421-422) - Nolte
- 2 HCR 20, (4-23-08, Page 1123) - Ervin
- 3 HCS HCR 27, (3-13-08, Pages 498-499) - Curls

#### **SENATE JOINT RESOLUTIONS FOR THIRD READING**

- 1 SS SCS SJRs 34 & 30 - Bruns
- 2 SJR 45 - Hobbs

**SENATE BILLS FOR THIRD READING - CONSENT**

- 1 HCS SCS SBs 753, 728, 906 & 1026 - Swinger
- 2 HCS SB 723 - Bruns
- 3 HCS SB 733 - Bruns
- 4 HCS SCS SB 760 - St. Onge
- 5 HCS SB 797 - May
- 6 SB 801 - Flook
- 7 HCS SB 820 - Schieffer
- 8 SCS SB 850 - Meiners
- 9 HCS SB 856 - Fallert
- 10 SB 896 - McGhee
- 11 SB 928 - Schad
- 12 SB 936 - Lembke
- 13 HCS SB 943 - Schoeller
- 14 SCS SB 951 - Spreng
- 15 SB 956 - Hobbs
- 16 HCS SB 978 - Pollock
- 17 SB 979 - Dusenberg
- 18 SB 980 - Flook
- 19 SB 991 - Schlottach
- 20 SB 999 - Parson
- 21 HCS SB 1002 - Curls
- 22 HCS SCS SB 1008 - Ervin
- 23 SCS SB 1009, E.C. - Wasson
- 24 SB 1016 - Pratt
- 25 HCS SCS SB 1033 - Sutherland
- 26 HCS SCS SB 1039 - Weter
- 27 SCS SB 1044 - McGhee
- 28 SB 1061 - Cooper (120)
- 29 SB 1073 - Faith
- 30 HCS SCS SB 1131 - Curls
- 31 HCS SB 1135 - Curls
- 32 SCS SB 1150 - Lembke
- 33 HCS SCS SBs 1153, 1154, 1155 & 1156 - Viebrock
- 34 SCS SB 1168 - Scharnhorst
- 35 SB 1177 - Cooper (155)
- 36 SB 1187 - Pollock
- 37 SB 1190 - Wasson
- 38 SCS SB 1235 - Pratt

**SENATE BILLS FOR THIRD READING**

- 1 HCS SCS SB 942 - Quinn (7)
- 2 HCS SB 1010 - Stevenson
- 3 SB 955 - Wildberger
- 4 SB 970 - May

- 5 HCS SB 1175 - Cox
- 6 SB 1038 - Cox
- 7 SB 885 - Cooper (120)
- 8 SS SCS SB 1059 - Pearce
- 9 SCS SB 1157, E.C. - Walsh
- 10 SS SCS SBs 714, 933, 899 & 758, E.C. - Bruns
- 11 HCS SS SCS SBs 818 & 795 - Smith (14)
- 12 HCS SCS SBs 754 & 794 - Lipke
- 13 HCS SCS SB 765, E.C. - Schneider
- 14 HCS SS SCS SB 778, (Fiscal Review 5-05-08) - Cooper (155)
- 15 SCS SB 873 - Pratt
- 16 SS SB 1159 - Pratt
- 17 HCS SCS SB 1209, as amended, HA 2, pending, E.C. - Sutherland
- 18 HCS SB 925 - Aull
- 19 HCS SCS SB 994, E.C. - Wallace
- 20 HCS SCS SB 732, (Fiscal Review 5-09-08) - Jones (117)
- 21 HCS SB 953 - Pearce
- 22 HCS#2 SB 976, (Fiscal Review 5-09-08), E.C. - Stevenson
- 23 SCS SB 1040 - Hobbs
- 24 HCS SCS SB 1081, E.C. - Cooper (155)
- 25 SCS SB 1107, E.C. - Pollock
- 26 HCS SCS SB 1172 - Bruns
- 27 HCS#2 SCS SB 781, E.C. - Stevenson
- 28 SB 805 - Kingery
- 29 HCS SCS SB 1170, E.C. - Swinger
- 30 HCS SCS SBs 1181, 1100, 1262 & 1263, (Fiscal Review 5-12-08), E.C. - Schoeller
- 31 SCS SB 788 - Wasson

**HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SS HB 1678, as amended - Day
- 2 SS#2 SCS HCS HB 1619, as amended - Jones (117)
- 3 SCS HCS HB 2034, as amended - Munzlinger
- 4 SS SCS HB 1384 & HB 2157 - Cox
- 5 SS SCS HCR 30, (5-06-08, Pages 1347-1348) - Emery
- 6 SCS HCS HB 1715, as amended, E.C. - Schad
- 7 SCS HB 1311 - Hoskins
- 8 SCS HB 1422 - St. Onge
- 9 SCS HB 1450 - Roorda
- 10 SCS HB 1570 - Franz
- 11 SCS HB 1640 - Schoeller
- 12 SCS HB 1689 - Wilson (130)
- 13 SCS HCS HB 1690 - Wilson (130)
- 14 SCS HCS HB 1804, as amended, E.C. - Corcoran
- 15 SCS HCS HB 1807 - Cox
- 16 SCS HB 1946 - Franz
- 17 SCS HB 2047 - Curls

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- 18 SCS HCS HB 2048, as amended - Zimmerman
- 19 SCS HB 2065 - Wasson

### **BILLS IN CONFERENCE**

- 1 CCR HCS SS SCS SB 931, as amended - Munzlinger
- 2 CCR HCS SB 841, as amended - St. Onge
- 3 SB 1068, HA 1, HA 3 - Sater
- 4 HCS SB 1074, as amended - Smith (14)
- 5 CCR SS SCS HB 2224 - Jones (117)
- 6 SCS HCS HB 2279, as amended - Wright
- 7 HCS SS SCS SB 711, as amended - Sutherland

### **SENATE CONCURRENT RESOLUTIONS**

- 1 SCR 40, (4-14-08, Pages 914-915) - Pratt
- 2 SCR 29, (4-24-08, Page 1163) - Wright