

JOURNAL OF THE HOUSE

Second Regular Session, 97th GENERAL ASSEMBLY

FORTY-EIGHTH DAY, TUESDAY, APRIL 8, 2014

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicky, Chaplain.

You shall know the truth, and the truth shall make you free. (John 8:32)

Almighty God, we pause in Your presence in the midst of this busy day, lifting our spirits to You to whom all hearts are open, all desires known, and from whom no secrets are hidden. Teach us to pray that Your Spirit may increasingly be a reality in our hearts and, becoming real, hold us steady and keep us steadfast that we may not act hastily without facts but hopefully with faith and love.

We are distressed by the difficulties we are facing, weighed down by worry, burdened by bitterness, and disturbed by doubt. Help us to be creatively concerned and with confident certainty to make decisions wisely for our good and for the good of all in our state.

Give us the strength to carry on, believing that every experience that comes our way and every event that takes place in Missouri we can meet and meet with honor to ourselves, to our fellow citizens, and to You.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Sarah Williams, Mason Wodicker, and Toby Stagner.

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

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1790 through House Resolution No. 1827

SECOND READING OF SENATE CONCURRENT RESOLUTION

The following Senate Concurrent Resolution was read the second time:

SCS SCR 39, relating to authorization for the issuance of bonds for certain state and university projects.

THIRD READING OF HOUSE BILLS

HCS HB 1303, relating to religious liberties of students, was taken up by Representative Haahr.

Speaker Pro Tem Hoskins assumed the Chair.

On motion of Representative Haahr, **HCS HB 1303** was read the third time and passed by the following vote:

AYES: 131

| | | | | |
|--------------|----------------|---------------|-----------|------------|
| Allen | Anderson | Austin | Bahr | Barnes |
| Bernskoetter | Berry | Black | Brattin | Brown |
| Burlison | Burns | Carpenter | Cierpiot | Conway 10 |
| Conway 104 | Cookson | Cornejo | Cox | Crawford |
| Cross | Curtman | Davis | Diehl | Dohrman |
| Dugger | Dunn | Ellington | Elmer | Engler |
| English | Entlicher | Fitzpatrick | Fitzwater | Flanigan |
| Fraker | Frame | Franklin | Frederick | Funderburk |
| Gannon | Gatschenberger | Gosen | Grisamore | Guernsey |
| Haahr | Haefner | Hampton | Hansen | Harris |
| Hicks | Higdon | Hinson | Hoskins | Hough |
| Houghton | Hubbard | Hurst | Johnson | Justus |
| Keeney | Kelley 127 | Kelly 45 | Koenig | Kolkmeier |
| Korman | Kratky | Lair | Lant | Lauer |
| Leara | Lichtenegger | Love | Lynch | Marshall |
| Mayfield | McCaherty | McCann Beatty | McGaugh | McKenna |
| McManus | McNeil | Messenger | Miller | Montecillo |
| Moon | Morris | Muntzel | Neely | Neth |
| Norr | Pace | Parkinson | Pfautsch | Phillips |
| Pike | Pogue | Redmon | Rehder | Reiboldt |
| Remole | Rhoads | Richardson | Riddle | Rizzo |
| Roorda | Ross | Rowden | Rowland | Runions |
| Schatz | Schieber | Schieffer | Shull | Shumake |
| Solon | Sommer | Spencer | Stream | Swan |
| Thomson | Torpey | Walker | Webber | White |
| Wieland | Wilson | Wood | Wright | Zerr |
| Mr. Speaker | | | | |

NOES: 016

| | | | | |
|-------------|--------|----------|----------|---------|
| Anders | Curtis | Gardner | Hummel | Kirkton |
| LaFaver | May | McDonald | Meredith | Mitten |
| Morgan | Newman | Nichols | Pierson | Schupp |
| Walton Gray | | | | |

PRESENT: 001

Peters

ABSENT WITH LEAVE: 012

| | | | | |
|----------|------------|-----------|---------|-------------|
| Butler | Colona | Ellinger | Englund | Hodges |
| Jones 50 | Mims | Molendorp | Otto | Scharnhorst |
| Smith | Swearingen | | | |

VACANCIES: 003

Speaker Pro Tem Hoskins declared the bill passed.

HB 1305, relating to train conductors, was taken up by Representative Phillips.

On motion of Representative Phillips, **HB 1305** was read the third time and passed by the following vote:

AYES: 146

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

Mr. Speaker

NOES: 003

| | | |
|---------|-------|--------|
| LaFaver | Pogue | Rhoads |
|---------|-------|--------|

PRESENT: 001

Ellington

1009 *Journal of the House*

ABSENT WITH LEAVE: 010

| | | | | |
|--------|-----------|----------|---------|------------|
| Butler | Colona | Ellinger | Englund | Hodges |
| Mims | Molendorp | Otto | Smith | Swearingen |

VACANCIES: 003

Speaker Pro Tem Hoskins declared the bill passed.

HB 1138, relating to child support, was taken up by Representative Rowland.

On motion of Representative Rowland, **HB 1138** was read the third time and passed by the following vote:

AYES: 117

| | | | | |
|----------------|-------------|-------------|--------------|------------|
| Allen | Anderson | Austin | Bahr | Barnes |
| Bernskoetter | Berry | Black | Brattin | Brown |
| Burlison | Cierpiot | Conway 10 | Conway 104 | Cookson |
| Cornejo | Cox | Crawford | Cross | Curtis |
| Curtman | Davis | Diehl | Dohrman | Dugger |
| Dunn | Ellington | Elmer | Engler | English |
| Entlicher | Fitzpatrick | Fitzwater | Flanigan | Fraker |
| Frame | Franklin | Frederick | Funderburk | Gannon |
| Gatschenberger | Gosen | Grisamore | Guernsey | Haahr |
| Haefner | Hampton | Hansen | Harris | Hicks |
| Higdon | Hinson | Hoskins | Houghton | Hurst |
| Johnson | Jones 50 | Justus | Keeney | Kelley 127 |
| Koenig | Kolkmeier | Korman | LaFaver | Lair |
| Lant | Lauer | Leara | Lichtenegger | Lynch |
| Marshall | May | McCaherty | McKenna | Messenger |
| Miller | Moon | Morris | Muntzel | Neely |
| Neth | Parkinson | Pfautsch | Phillips | Pike |
| Pogue | Redmon | Rehder | Reiboldt | Remole |
| Rhoads | Richardson | Riddle | Roorda | Ross |
| Rowden | Rowland | Scharnhorst | Schatz | Schieber |
| Schieffer | Shull | Shumake | Solon | Sommer |
| Spencer | Stream | Swan | Thomson | Walker |
| White | Wieland | Wilson | Wood | Wright |
| Zerr | Mr. Speaker | | | |

NOES: 030

| | | | | |
|---------------|----------|------------|-------------|----------|
| Anders | Burns | Carpenter | Gardner | Hubbard |
| Hummel | Kelly 45 | Kirkton | Kratky | Mayfield |
| McCann Beatty | McDonald | McGaugh | McManus | McNeil |
| Meredith | Mitten | Montecillo | Morgan | Newman |
| Nichols | Norr | Pace | Peters | Pierson |
| Rizzo | Runions | Schupp | Walton Gray | Webber |

PRESENT: 000

ABSENT WITH LEAVE: 013

| | | | | |
|--------|------------|----------|-----------|--------|
| Butler | Colona | Ellinger | Englund | Hodges |
| Hough | Love | Mims | Molendorp | Otto |
| Smith | Swearingen | Torpey | | |

VACANCIES: 003

Speaker Pro Tem Hoskins declared the bill passed.

PERFECTION OF HOUSE JOINT RESOLUTIONS

HJR 68, with Part I of House Substitute Amendment No. 1 for House Amendment No. 1, Part II of House Substitute Amendment No. 1 for House Amendment No. 1, and House Amendment No. 1, pending, relating to a temporary tax to improve the state highway system, city streets, county roads, and state transportation system, was taken up by Representative Hinson.

Representative Curtman moved that **Part I of House Substitute Amendment No. 1 for House Amendment No. 1** be adopted.

Which motion was defeated.

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

AYES: 113

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

NOES: 037

| | | | | |
|---------|-----------|---------------|------------|-------------|
| Anders | Black | Burns | Carpenter | Conway 10 |
| Dunn | Ellington | English | Gardner | Hubbard |
| Hummel | Kelly 45 | Kirkton | Kratky | LaFaver |
| May | Mayfield | McCann Beatty | McDonald | McManus |
| McNeil | Meredith | Mitten | Montecillo | Morgan |
| Newman | Nichols | Norr | Pace | Peters |
| Pierson | Rizzo | Runions | Schieffer | Walton Gray |
| Webber | Wright | | | |

PRESENT: 000

ABSENT WITH LEAVE: 010

| | | | | |
|--------|-----------|----------|---------|------------|
| Butler | Colona | Ellinger | Englund | Hodges |
| Mims | Molendorp | Otto | Smith | Swearingen |

VACANCIES: 003

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

House Amendment No. 2

AMEND House Joint Resolution No. 68, Page 1, in the Title, Line 4, by deleting the word "temporary"; and

Further amend said bill, Page 2, Section 30(e), Lines 3-10, by deleting all of said lines and inserting in lieu thereof the following:

"First, an additional motor fuel tax of three cents is hereby levied and imposed upon all transactions on which the Missouri motor fuel tax is imposed for the purchase of gasoline, kerosene, and blended fuel, subject to the provisions of and to be collected as provided in the Motor Fuel Tax Law and the rules adopted in connection therewith; and Second, an additional motor fuel tax of nine cents is hereby levied and imposed upon all transactions on which the Missouri motor fuel tax is imposed for the purchase of diesel fuel, subject to the provisions of and to be collected as provided in the Motor Fuel Tax Law and the rules adopted in connection therewith."; and

Further amend said page and section, Line 11, by deleting the words "**state sales and use**" and inserting in lieu thereof the words "**motor fuel**"; and

Further amend said page and section, Lines 13-14, by deleting the words "**state sales and use**" and inserting in lieu thereof the words "**motor fuel**"; and

Further amend said page and section, Line 21, by deleting the words "**state sales and use**" and inserting in lieu thereof the words "**motor fuel**"; and

Further amend said page and section, Line 22, by deleting the words "**state sales and use**" and inserting in lieu thereof the words "**motor fuel**"; and

Further amend said section, Page 4, Line 82-83, by deleting the words "**sales and use**" and inserting in lieu thereof the words "**motor fuel**"; and

Further amend said section and page, Line 86, by deleting the words "**sales and use**" and inserting in lieu thereof the words "**motor fuel**"; and

Further amend said section and page, Line 92, by deleting the words "sales and use" and inserting in lieu thereof the words "motor fuel"; and

Further amend said section, Page 5, Lines 97-98, by deleting the words "During the ten-year period the tempoary tax is in effect, the" and inserting in lieu thereof the word "The"; and

Further amend said section and page, Line 104, by deleting the words "temporary one percent state sales and use" and inserting in lieu thereof the words "increase in motor fuel"; and

Further amend said section and page, Lines 106-115, by deleting all of said lines and inserting in lieu thereof the words "governor for that purpose, this section shall be effective January 1, 2015."; and

Further amend said bill and page, Section B, Lines 5-7, by deleting all of said lines and inserting in lieu thereof the following:

""Should the Missouri Constitution be amended to enact a nine cent tax on diesel fuel and a three cent tax on other motor fuels to fund transportation projects with the priority of repairing unsafe roads and bridges?"; and

Further amend said bill and page, Section C, Lines 5-8, by deleting all of said lines and inserting in lieu thereof the following:

""This change is expected to produce \$162 million annually to the state's Transportation Safety and Job Creation Fund and \$18 million for local governments. This revenue shall only be used for transportation purposes and cannot be diverted for other uses.""; and

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

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

| | | | | |
|------------|----------------|--------------|-------------|--------------|
| Anderson | Austin | Bahr | Barnes | Bernskoetter |
| Berry | Brattin | Brown | Burlison | Cierpiot |
| Conway 104 | Cookson | Cornejo | Cox | Crawford |
| Cross | Curtman | Davis | Diehl | Dohrman |
| Dugger | Elmer | Engler | Entlicher | Fitzpatrick |
| Fitzwater | Fraker | Franklin | Frederick | Funderburk |
| Gannon | Gatschenberger | Gosen | Grisamore | Guernsey |
| Haahr | Haefner | Hampton | Hansen | Hicks |
| Higdon | Hinson | Hoskins | Hough | Houghton |
| Hurst | Johnson | Justus | Keeney | Kelley 127 |
| Koenig | Kolkmeyer | Korman | Lair | Lant |
| Lauer | Leara | Lichtenegger | Love | Lynch |
| Marshall | McCaherty | McGaugh | Messenger | Miller |
| Moon | Morris | Muntzel | Neely | Neth |
| Parkinson | Pfautsch | Phillips | Pike | Pogue |
| Redmon | Rehder | Remole | Rhoads | Richardson |
| Ross | Rowden | Rowland | Scharnhorst | Schatz |
| Schieber | Shull | Shumake | Solon | Sommer |
| Spencer | Stream | Swan | Thomson | Torpey |
| Walker | White | Wieland | Wilson | Wood |
| Zerr | Mr. Speaker | | | |

1013 *Journal of the House*

NOES: 042

| | | | | |
|---------------|------------|-----------|-----------|-------------|
| Anders | Black | Burns | Carpenter | Conway 10 |
| Curtis | Dunn | Ellington | English | Frame |
| Gardner | Harris | Hubbard | Hummel | Kelly 45 |
| Kirkton | Kratky | LaFaver | May | Mayfield |
| McCann Beatty | McDonald | McKenna | McNeil | Meredith |
| Mitten | Montecillo | Morgan | Newman | Nichols |
| Norr | Pace | Peters | Pierson | Rizzo |
| Roorda | Runions | Schieffer | Schupp | Walton Gray |
| Webber | Wright | | | |

PRESENT: 000

ABSENT WITH LEAVE: 016

| | | | | |
|------------|--------|----------|----------|---------|
| Allen | Butler | Colona | Ellinger | Englund |
| Flanigan | Hodges | Jones 50 | McManus | Mims |
| Molendorp | Otto | Reiboldt | Riddle | Smith |
| Swearingen | | | | |

VACANCIES: 003

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

Which motion was defeated by the following vote:

AYES: 028

| | | | | |
|------------|---------------|----------|-------------|-----------|
| Bahr | Black | Burlison | Carpenter | Cox |
| Curtis | Curtman | Dunn | Fitzpatrick | Frame |
| Funderburk | Hummel | Kelly 45 | Kirkton | Koenig |
| Kratky | McCann Beatty | McDonald | Meredith | Mitten |
| Montecillo | Morgan | Newman | Nichols | Parkinson |
| Pierson | Pogue | Runions | | |

NOES: 114

| | | | | |
|----------------|-------------|------------|--------------|------------|
| Allen | Anders | Anderson | Austin | Barnes |
| Bernskoetter | Berry | Brattin | Brown | Burns |
| Cierpiot | Conway 10 | Conway 104 | Cookson | Comejo |
| Crawford | Cross | Davis | Diehl | Dohrman |
| Dugger | Elmer | Engler | Entlicher | Fitzwater |
| Flanigan | Fraker | Franklin | Frederick | Gannon |
| Gatschenberger | Gosen | Grisamore | Guernsey | Haahr |
| Haefner | Hampton | Hansen | Harris | Higdon |
| Hinson | Hoskins | Hough | Houghton | Hubbard |
| Hurst | Johnson | Jones 50 | Justus | Keeney |
| Kelley 127 | Kolkmeyer | Korman | LaFaver | Lair |
| Lant | Lauer | Leara | Lichtenegger | Love |
| Lynch | Marshall | May | Mayfield | McCaherty |
| McGaugh | McKenna | McManus | Messenger | Miller |
| Moon | Morris | Muntzel | Neely | Neth |
| Norr | Pfausch | Phillips | Pike | Redmon |
| Rehder | Reiboldt | Remole | Rhoads | Richardson |
| Riddle | Rizzo | Roorda | Ross | Rowden |
| Rowland | Scharnhorst | Schatz | Schieber | Schieffer |

| | | | | |
|---------|--------|---------|-------------|--------|
| Schupp | Shull | Shumake | Solon | Sommer |
| Spencer | Stream | Swan | Thomson | Torpey |
| Walker | Webber | White | Wieland | Wilson |
| Wood | Wright | Zerr | Mr. Speaker | |

PRESENT: 007

| | | | | |
|-----------|-------------|---------|--------|------|
| Ellington | English | Gardner | McNeil | Pace |
| Peters | Walton Gray | | | |

ABSENT WITH LEAVE: 011

| | | | | |
|------------|--------|-----------|---------|-------|
| Butler | Colona | Ellinger | Englund | Hicks |
| Hodges | Mims | Molendorp | Otto | Smith |
| Swearingen | | | | |

VACANCIES: 003

On motion of Representative Hinson, **HJR 68, as amended**, was ordered perfected and printed.

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

AFTERNOON SESSION

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

PERFECTION OF HOUSE BILLS

HCS HB 1371, for the sole purpose of restructuring the Missouri Criminal Code, was taken up by Representative Cox.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1371, Page 88, Section 197.1004, Line 14, by deleting all of said line and inserting in lieu thereof the following:

"section [660.250] **197.1000** shall be referred to the appropriate state or local authorities."; and

Further amend said bill, Page 157, Section 302.458, Line 5, by deleting all of said line and inserting in lieu thereof the following:

"ignition interlock devices in full compliance with sections [577.600 to 577.614] **302.440**"; and

Further amend said bill, Page 177, Section 306.111, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"306.111. [1.] A person commits the [crime] **offense** of negligent operation of a vessel if when"; and

Further amend said bill, Page 349, Section 566.086, Lines 4 through 7, by deleting all of said lines and inserting in lieu thereof the following:

- "(2) A student teacher;
- (3) An employee of the school;
- (4) A volunteer of the school or of an organization working with the school on a project or program who is not a student at the [public] school;"; and

Further amend said bill, Pages 352-354, Section 566.125, Lines 1-72, by deleting all of said section and lines and inserting in lieu thereof the following:

"[558.018.] **566.125.** 1. The court shall sentence a person to an extended term of imprisonment if it finds the defendant is a persistent sexual offender and has been found guilty of attempting to commit or committing the following offenses:

- (1) Statutory rape in the first degree or statutory sodomy in the first degree;
- (2) Rape in the first degree or sodomy in the first degree [attempted or committed on or after August 28, 2013];
- (3) Forcible rape [committed or attempted any time during the period of August 13, 1980 to August 27, 2013];
- (4) Forcible sodomy [committed or attempted any time during the period of January 1, 1995 to August 27, 2013];
- (5) Rape [committed or attempted before August 13, 1980];
- (6) Sodomy [committed or attempted before January 1, 1995].

2. A "persistent sexual offender" is one who has previously been found guilty of attempting to commit or committing any of the offenses listed in subsection 1 of this section **or one who has previously been found guilty of an offense in another jurisdiction which would constitute any of the offenses listed in subsection 1 of this section.**

3. The term of imprisonment for one found to be a persistent sexual offender shall be imprisonment for life without eligibility for probation or parole. Subsection 4 of section 558.019 shall not apply to any person imprisoned under this subsection, and "imprisonment for life" shall mean imprisonment for the duration of the person's natural life.

4. The court shall sentence a person to an extended term of imprisonment as provided for in this section if it finds the defendant is a predatory sexual offender and has been found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section or committing child molestation in the first **or second** degree [when classified as a class B felony] or sexual abuse when classified as a class B felony [to an extended term of imprisonment as provided for in this section if it finds the defendant is a predatory sexual offender].

5. For purposes of this section, a "predatory sexual offender" is a person who:

- (1) Has previously been found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section, or committing child molestation in the first **or second** degree [when classified as a class B felony] or sexual abuse when classified as a class B felony; or
- (2) Has previously committed an act which would constitute an offense listed in subsection 4 of this section, whether or not the act resulted in a conviction; or
- (3) Has committed an act or acts against more than one victim which would constitute an offense or offenses listed in subsection 4 of this section, whether or not the defendant was charged with an additional offense or offenses as a result of such act or acts.

6. A person found to be a predatory sexual offender shall be imprisoned for life with eligibility for parole, however subsection 4 of section 558.019 shall not apply to persons found to be predatory sexual offenders for the purposes of determining the minimum prison term or the length of sentence as defined or used in such subsection. Notwithstanding any other provision of law, in no event shall a person found to be a predatory sexual offender receive a final discharge from parole.

7. Notwithstanding any other provision of law, the court shall set the minimum time required to be served before a predatory sexual offender is eligible for parole, conditional release or other early release by the department of corrections. The minimum time to be served by a person found to be a predatory sexual offender who:

- (1) Has previously been found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section and is found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section shall be any number of years but not less than thirty years;

(2) Has previously [pleaded guilty to or has] been found guilty of child molestation in the first **or second** degree [when classified as a class B felony] or sexual abuse when classified as a class B felony and is found guilty of attempting to commit or committing any of the offenses listed in subsection 1 of this section shall be any number of years but not less than fifteen years;

(3) Has previously been found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section, or committing child molestation in the first **or second** degree [when classified as a class B felony] or sexual abuse when classified as a class B felony shall be any number of years but not less than fifteen years;

(4) Has previously [pleaded guilty to or has] been found guilty of child molestation in the first **or second** degree [when classified as a class B felony] or sexual abuse when classified as a class B felony, and [pleads guilty to or] is found guilty of child molestation in the first **or second** degree [when classified as a class B felony] or sexual abuse when classified as a class B felony shall be any number of years but not less than fifteen years;

(5) Is found to be a predatory sexual offender pursuant to subdivision (2) or (3) of subsection 5 of this section shall be any number of years within the range to which the person could have been sentenced pursuant to the applicable law if the person was not found to be a predatory sexual offender.

8. Notwithstanding any provision of law to the contrary, the department of corrections, or any division thereof, may not furlough an individual found to be and sentenced as a persistent sexual offender or a predatory sexual offender."; and

Further amend said bill, Page 375, Section 569.040, Lines 2-3, by deleting all of said lines and inserting in lieu thereof the following:

"if he or she:

(1) Knowingly damages a building or inhabitable structure, and when any person is then"; and

Further amend said bill and page, Section 569.050, Line 4, by deleting all of said line and inserting in lieu thereof the following:

"2. A person does not commit [a crime] **an offense** under this section if:"; and

Further amend said bill, Page 427, Section 571.041, Line 7, by deleting the word "**effect**" on said line, and inserting in lieu thereof the word "**affect**"; and

Further amend said bill, Page 428, Section 571.041, Line 36, by deleting the word "**or**" on said line; and

Further amend said bill, page, and section, Line 37, by inserting immediately after the word "**attorney**" on said line the following:

", **or any person appointed by a court to be a special prosecutor**"; and

Further amend said bill, Pages 445-446, Section 573.090, Lines 1-21, by deleting all of said section and lines; and

Further amend said bill, Page 485, Section 577.012, Lines 45-46, by deleting all of said lines and inserting in lieu thereof the following:

"**6. A person found guilty of the offense of driving with excessive blood alcohol content shall**"; and

Further amend said bill, page and section, Line 50, by deleting all of said line and inserting in lieu thereof the following:

"**7. A person found guilty of driving with excessive blood alcohol content:**"; and

Further amend said bill, Page 508, Section 577.080, Line 2, by deleting all of said line and inserting in lieu thereof the following:

"vessel, or trailer if he **or she knowingly** abandons any [motor] vehicle, vessel, or trailer [on]:"; and

Further amend said bill, Page 512, Section 577.599, Line 4, by inserting after the word "**court**" on said line the following:

"**or department of revenue**"; and

Further amend said bill, Page 517, Section 578.009, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"578.009. 1. A person [is guilty] **commits the offense** of animal neglect if he **or she**:"; and

Further amend said bill, Page 559, Section 579.170, Line 21, by deleting all of said line and inserting in lieu thereof the following:

"**offender and is found guilty of a class C, D, or E felony under this chapter to the**"; and

Further amend said bill and page, Section 579.175, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"[195.280.] **579.175.** Any [peace] **law enforcement** officer of the state of Missouri, or of any political"; and

Further amend said bill, Page 607, Section 573.013, Line 13, by inserting after all of said section and line the following:

"[573.090. 1. Video cassettes or other video reproduction devices, or the jackets, cases or coverings of such video reproduction devices shall be displayed or maintained in a separate area if the same are pornographic for minors as defined in section 573.010, or if:

(1) Taken as a whole and applying contemporary community standards, the average person would find that it has a tendency to cater or appeal to morbid interest in violence for persons under the age of seventeen; and

(2) It depicts violence in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for persons under the age of seventeen; and

(3) Taken as a whole, it lacks serious literary, artistic, political, or scientific value for persons under the age of seventeen.

2. Any video cassettes or other video reproduction devices meeting the description in subsection 1 of this section shall not be rented or sold to a person under the age of seventeen years.

3. Any violation of the provisions of subsection 1 or 2 of this section shall be punishable as an infraction, unless such violation constitutes furnishing pornographic materials to minors as defined in section 573.040, in which case it shall be punishable as a class A misdemeanor or class D felony as prescribed in section 573.040, or unless such violation constitutes promoting obscenity in the second degree as defined in section 573.030, in which case it shall be punishable as a class A misdemeanor or class D felony as prescribed in section 573.030.]"; and

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

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

Representative Kelly (45) offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1371, Page 30, Section 168.071, Line 42, by deleting the date "**August 28, 2014**" on said line, and inserting in lieu thereof the following:

"**August 28, 2017**"; and

Further amend said bill, Page 156, Section 302.426, Line 11, by deleting the date "**August 28, 2014**" on said line, and inserting in lieu thereof the following:

"**August 28, 2017**"; and

Further amend said bill, Page 381, Section 569.132, Lines 48-49, by deleting the date "**August 28, 2014**" on said lines, and inserting in lieu thereof the following:

"**August 28, 2017**"; and

Further amend said bill, Page 531, Section 578.405, Line 62, by deleting the date "**August 28, 2014**" on said line, and inserting in lieu thereof the following:

"**August 28, 2017**"; and

Further amend said bill, Page 524, Section 578.100, Line 45, by deleting the date "**August 28, 2014**" on said line, and inserting in lieu thereof the following:

"**August 28, 2017**"; and

Further amend said bill, Page 622, Section B, Lines 1-2, by deleting all of said section and lines and inserting in lieu thereof the following:

"Section B. Section A of this act shall become effective on January 1, 2017."; and

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

On motion of Representative Kelly (45), **House Amendment No. 2** was adopted.

On motion of Representative Cox, **HCS HB 1371, as amended**, was adopted.

On motion of Representative Cox, **HCS HB 1371, as amended**, was ordered perfected and printed.

BILLS IN CONFERENCE

CCR SCS HB 2014, relating to appropriations, was taken up by Representative Stream.

On motion of Representative Stream, **CCR SCS HB 2014** was adopted by the following vote:

AYES: 144

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

NOES: 002

Marshall Pogue

PRESENT: 000

ABSENT WITH LEAVE: 014

| | | | | |
|---------|----------|-----------|------------|------------|
| Cornejo | Ellinger | Ellington | Englund | Funderburk |
| Gardner | Hodges | Mims | Molendorp | Newman |
| Otto | Pierson | Smith | Swearingen | |

VACANCIES: 003

On motion of Representative Stream, **CCS SCS HB 2014** was read the third time and passed by the following vote:

AYES: 143

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

NOES: 002

Marshall Pogue

PRESENT: 000

ABSENT WITH LEAVE: 015

| | | | | |
|-----------|-----------|-----------|----------|------------|
| Colona | Ellinger | Ellington | Englund | Funderburk |
| Gardner | Grisamore | Hodges | Meredith | Mims |
| Molendorp | Newman | Otto | Smith | Swearingen |

VACANCIES: 003

Speaker Jones declared the bill passed.

THIRD READING OF SENATE BILLS

SS SCS SB 532, relating to consent provided by relative caregivers, was taken up by Representative Hubbard.

On motion of Representative Hubbard, **SS SCS SB 532** was truly agreed to and finally passed by the following vote:

AYES: 114

| | | | | |
|--------------|--------------|-------------|-------------|----------------|
| Allen | Anderson | Austin | Bahr | Barnes |
| Bernskoetter | Berry | Brattin | Brown | Burlison |
| Butler | Cierpiot | Conway 10 | Conway 104 | Cookson |
| Cornejo | Cox | Crawford | Cross | Curtis |
| Curtman | Davis | Diehl | Dohrman | Dugger |
| Dunn | Engler | Entlicher | Fitzpatrick | Fitzwater |
| Flanigan | Fraker | Franklin | Gannon | Gatschenberger |
| Gosen | Guernsey | Haefner | Hampton | Hansen |
| Harris | Hicks | Higdon | Hinson | Hoskins |
| Hough | Houghton | Hubbard | Johnson | Jones 50 |
| Justus | Keeney | Kelley 127 | Koenig | Kolkmeyer |
| Korman | Kratky | Lair | Lant | Lauer |
| Leara | Lichtenegger | Love | Lynch | May |
| McCaherty | McGaugh | McKenna | Messenger | Miller |
| Morgan | Morris | Muntzel | Neely | Pace |
| Parkinson | Peters | Pfautsch | Phillips | Pierson |
| Pike | Redmon | Rehder | Reiboldt | Remole |
| Rhoads | Richardson | Riddle | Roorda | Ross |
| Rowden | Rowland | Scharnhorst | Schatz | Schieffer |
| Shull | Shumake | Solon | Sommer | Spencer |
| Stream | Swan | Thomson | Torpey | Walker |
| Walton Gray | Webber | White | Wieland | Wilson |
| Wood | Wright | Zerr | Mr. Speaker | |

NOES: 027

| | | | | |
|----------|-----------|----------|------------|---------------|
| Anders | Black | Burns | Carpenter | English |
| Frame | Frederick | Haahr | Hummel | Hurst |
| Kelly 45 | Kirkton | LaFaver | Marshall | McCann Beatty |
| McDonald | McNeil | Meredith | Montecillo | Moon |
| Nichols | Norr | Pogue | Rizzo | Runions |
| Schieber | Schupp | | | |

PRESENT: 002

| | |
|----------|--------|
| Mayfield | Mitten |
|----------|--------|

ABSENT WITH LEAVE: 017

| | | | | |
|------------|------------|-----------|--------|---------|
| Colona | Ellinger | Ellington | Elmer | Englund |
| Funderburk | Gardner | Grisamore | Hodges | McManus |
| Mims | Molendorp | Neth | Newman | Otto |
| Smith | Swearingen | | | |

VACANCIES: 003

Speaker Jones declared the bill passed.

PERFECTION OF HOUSE BILLS

HB 1372, relating to protest activities at funeral services, was taken up by Representative Cox.

On motion of Representative Cox, **HB 1372** was ordered perfected and printed.

HB 1594, relating to volunteer labor on public works projects, was taken up by Representative Davis.

On motion of Representative Davis, **HB 1594** was ordered perfected and printed.

HCS HBs 1179 & 1765, relating to sales taxes on places of amusement, entertainment, recreation, games, athletic events, and manufactured homes, was taken up by Representative Burlison.

Speaker Pro Tem Hoskins resumed the Chair.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill Nos. 1179 & 1765, Page 6, Section 144.018, Lines 29-31, by deleting all of said lines and inserting in lieu thereof the following:

"museums, marinas, motion picture theaters, and other commercial attractions. Such tax shall not include any sales regardless of how offered and sold as a right of first refusal, right to purchase, single admission ticket, bundled package or season pass for admission and seating accommodations, or fees paid to, or in any place exempt from taxation under subdivision (21) of subsection 2 or section 144.030."; and

Further amend said bill, Page 7, Section 144.020, Lines 20-22, by deleting all of said lines and inserting in lieu thereof the following:

"motion picture theaters, and other commercial attractions. Such tax shall not include any sales regardless of how offered and sold as a right of first refusal, right to purchase, single admission ticket, bundled package or season pass for admission and seating accommodations, or fees paid to, or in any place exempt from taxation under subdivision (21) of subsection 2 or section 144.030."; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill Nos. 1179 & 1765, Page 1, in the Title, Lines 3-4, by deleting the following words, "on places of amusement, entertainment, recreation, games, athletic events, and manufactured homes"; and

Further amend said bill, Page 9, Section 144.044, Line 36, by inserting after all of said section the following:

"Section 1. Notwithstanding any other provisions of law to the contrary, the license of a trailer, as defined in section 301.010, shall be permanent until the owner of the trailer sells, trades, or disposes of the trailer. After the initial registration and licensing of the trailer, no annual registration shall be required and no annual fee shall be charged."; and

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

Representative Roorda raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The point of order was withdrawn.

House Amendment No. 2 was withdrawn.

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill Nos. 1179 & 1765, Page 1, in the Title, Line 4, by inserting after the word, "events," the following words, "motor fuel,"; and

Further amend said bill, page, Section 136.300, Line 13, by inserting after all of said section the following:

"142.815. 1. Motor fuel used for the following nonhighway purposes is exempt from the fuel tax imposed by this chapter, and a refund may be claimed by the consumer, except as provided for in subdivision (1) of this subsection, if the tax has been paid and no refund has been previously issued:

(1) Motor fuel used for nonhighway purposes including fuel for farm tractors or stationary engines owned or leased and operated by any person and used exclusively for agricultural purposes and including, beginning January 1, 2006, bulk sales of one hundred gallons or more of gasoline made to farmers and delivered by the ultimate vender to a farm location for agricultural purposes only. As used in this section, the term "farmer" shall mean any person engaged in farming in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010. At the discretion of the ultimate vender, the refund may be claimed by the ultimate vender on behalf of the consumer for sales made to farmers and to persons engaged in construction for agricultural purposes as defined in section 142.800. After December 31, 2000, the refund may be claimed only by the consumer and may not be claimed by the ultimate vender unless bulk sales of gasoline are made to a farmer after January 1, 2006, as provided in this subdivision and the farmer provides an exemption certificate to the ultimate vender, in which case the ultimate vender may make a claim for refund under section 142.824 but shall be liable for any erroneous refund;

(2) Kerosene sold for use as fuel to generate power in aircraft engines, whether in aircraft or for training, testing or research purposes of aircraft engines;

(3) Diesel fuel used as heating oil, or in railroad locomotives or any other motorized flanged-wheel rail equipment, or used for other nonhighway purposes other than as expressly exempted pursuant to another provision.

2. Subject to the procedural requirements and conditions set out in this chapter, the following uses are exempt from the tax imposed by section 142.803 on motor fuel, and a deduction or a refund may be claimed:

(1) Motor fuel for which proof of export is available in the form of a terminal-issued destination state shipping paper and which is either:

(a) Exported by a supplier who is licensed in the destination state or through the bulk transfer system;

(b) Removed by a licensed distributor for immediate export to a state for which all the applicable taxes and fees (however nominated in that state) of the destination state have been paid to the supplier, as a trustee, who is licensed to remit tax to the destination state; or which is destined for use within the destination state by the federal government for which an exemption has been made available by the destination state subject to procedural rules and regulations promulgated by the director; or

(c) Acquired by a licensed distributor and which the tax imposed by this chapter has previously been paid or accrued either as a result of being stored outside of the bulk transfer system immediately prior to loading or as a diversion across state boundaries properly reported in conformity with this chapter and was subsequently exported from this state on behalf of the distributor; The exemption pursuant to paragraph (a) of this subdivision shall be claimed by a deduction on the report of the supplier which is otherwise responsible for remitting the tax upon removal of the product from a terminal or refinery in this state. The exemption pursuant to paragraphs (b) and (c) of this subdivision shall be claimed by the distributor, upon a refund application made to the director within three years. A refund claim may be made monthly or whenever the claim exceeds one thousand dollars;

(2) Undyed K-1 kerosene sold at retail through dispensers which have been designed and constructed to prevent delivery directly from the dispenser into a vehicle fuel supply tank, and undyed K-1 kerosene sold at retail through nonbarricaded dispensers in quantities of not more than twenty-one gallons for use other than for highway purposes. Exempt use of undyed kerosene shall be governed by rules and regulations of the director. If no rules or regulations are promulgated by the director, then the exempt use of undyed kerosene shall be governed by rules and regulations of the Internal Revenue Service. A distributor or supplier delivering to a retail facility shall obtain an exemption certificate from the owner or operator of such facility stating that its sales conform to the dispenser requirements of this subdivision. A licensed distributor, having obtained such certificate, may provide a copy to his or her supplier and obtain undyed kerosene without the tax levied by section 142.803. Having obtained such certificate in good faith, such supplier shall be relieved of any responsibility if the fuel is later used in a taxable manner. An ultimate vendor who obtained undyed kerosene upon which the tax levied by section 142.803 had been paid and makes sales qualifying pursuant to this subsection may apply for a refund of the tax pursuant to application, as provided in section 142.818, to the director provided the ultimate vendor did not charge such tax to the consumer;

(3) Motor fuel sold to the United States or any agency or instrumentality thereof. This exemption shall be claimed as provided in section 142.818;

(4) Motor fuel used solely and exclusively as fuel to propel motor vehicles on the public roads and highways of this state when leased or owned and when being operated by a federally recognized Indian tribe in the performance of essential governmental functions, such as providing police, fire, health or water services. The exemption for use pursuant to this subdivision shall be made available to the tribal government upon a refund application stating that the motor fuel was purchased for the exclusive use of the tribe in performing named essential governmental services;

(5) That portion of motor fuel used to operate equipment attached to a motor vehicle, if the motor fuel was placed into the fuel supply tank of a motor vehicle that has a common fuel reservoir for travel on a highway and for the operation of equipment, or if the motor fuel was placed in a separate fuel tank and used only for the operation of auxiliary equipment. The exemption for use pursuant to this subdivision shall be claimed by a refund claim filed by the consumer who shall provide evidence of an allocation of use satisfactory to the director;

(6) Motor fuel acquired by a consumer out-of-state and carried into this state, retained within and consumed from the same vehicle fuel supply tank within which it was imported, except interstate motor fuel users;

(7) Motor fuel which was purchased tax-paid and which was lost or destroyed as a direct result of a sudden and unexpected casualty or which had been accidentally contaminated so as to be unsalable as highway fuel as shown by proper documentation as required by the director. The exemption pursuant to this subdivision shall be refunded to the person or entity owning the motor fuel at the time of the contamination or loss. Such person shall notify the director in writing of such event and the amount of motor fuel lost or contaminated within ten days from the date of discovery of such loss or contamination, and within thirty days after such notice, shall file an affidavit sworn to by the person having immediate custody of such motor fuel at the time of the loss or contamination, setting forth in full the circumstances and the amount of the loss or contamination and such other information with respect thereto as the director may require;

(8) Dyed diesel fuel or dyed kerosene used for an exempt purpose. This exemption shall be claimed as follows:

(a) A supplier or importer shall take a deduction against motor fuel tax owed on their monthly report for those gallons of dyed diesel fuel or dyed kerosene imported or removed from a terminal or refinery destined for delivery to a point in this state as shown on the shipping papers;

(b) This exemption shall be claimed by a deduction on the report of the supplier which is otherwise responsible for remitting the tax on removal of the product from a terminal or refinery in this state;

(c) This exemption shall be claimed by the distributor, upon a refund application made to the director within three years. A refund claim may be made monthly or whenever the claim exceeds one thousand dollars.

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

Further amend said bill, Page 8, Section 144.020, Line 66, by inserting after all of said line the following:

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

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

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

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

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

(4) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of such vehicles. For purposes of this subdivision "motor vehicle" and "public highway" shall have the meaning as ascribed in section 390.020;

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

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

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

(8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

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

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

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

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

(13) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (5) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

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

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

(16) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

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

(18) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation, provided, however, that a municipality or other political subdivision may enter into revenue-sharing agreements with private persons, firms, or corporations providing goods or services, including management services, in or for the place of amusement, entertainment or recreation, games or athletic events, and provided further that nothing in this subdivision shall exempt from tax any amounts retained by any private person, firm, or corporation under such revenue-sharing agreement;

(19) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by the Food and Drug Administration to meet the over-the-counter drug product labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner licensed to prescribe;

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

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

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

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

production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

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

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

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

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

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

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

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

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

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

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

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

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

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

(32) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (5) of this subsection;

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

(34) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

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

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

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

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

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

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

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

(40) All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

(41) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

(42) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event;

(43) All sales of motor fuel, as defined in section 142.800, used in any watercraft, as defined in section 306.010.

3. Any ruling, agreement, or contract, whether written or oral, express or implied, between a person and this state's executive branch, or any other state agency or department, stating, agreeing, or ruling that such person is not required to collect sales and use tax in this state despite the presence of a warehouse, distribution center, or fulfillment center in this state that is owned or operated by the person or an affiliated person shall be null and void unless it is specifically approved by a majority vote of each of the houses of the general assembly. For purposes of this subsection, an "affiliated person" means any person that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code of 1986, as amended, as the vendor or any other entity that, notwithstanding its form of organization, bears the same ownership relationship to the vendor as a corporation that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code, as amended."; and

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

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

The Chair ruled the point of order not well taken.

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

On motion of Representative Burlison, **HCS HBs 1179 & 1765, as amended**, was adopted.

On motion of Representative Burlison, **HCS HBs 1179 & 1765, as amended**, was ordered perfected and printed.

HB 1490, relating to the Common Core Standards Initiative, was taken up by Representative Bahr.

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

House Amendment No. 1

AMEND House Bill No. 1490, Page 1, Section 161.855, Lines 1 to 7, by deleting all of said lines and inserting in lieu thereof the following:

"161.855. 1. By October 1, 2014, the state board of education shall convene work groups composed of education professionals to develop and recommend new academic performance standards in place of the common core state standards. The work groups shall be composed of individuals as provided in section 160.514. The state board of education and the work groups shall follow the procedures and conduct the public hearings required by section 160.514. The state board of education shall convene separate work groups for the following subject areas: English language arts; mathematics; science; and history and governments. For each of these four subject areas, the state board of education shall convene two separate work groups, one work group for grades kindergarten through five and another work group for grades six through twelve.

2. The work groups shall develop and recommend new academic performance standards in place of the common core state standards to the state board of education by October 1, 2015. The work groups shall report on their progress in developing the academic performance standards to the president pro tempore of the senate and the speaker of the house of representatives on a monthly basis.

3. The state board of education shall adopt and implement new academic performance standards in place of the common core state standards beginning in the 2016-2017 school year. The state board of education shall align the statewide assessment system to the new academic performance standards as needed within three years of adopting new academic performance standards."; and

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

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

Representative Roorda raised a point of order that **House Amendment No. 1 to House Amendment No. 1** was not distributed.

The Chair ruled the point of order well taken.

Representative Wood offered **House Amendment No. 2 to House Amendment No. 1.**

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

AMEND House Amendment No. 1 to House Bill No. 1490, Page 1, Line 17 of said amendment, by inserting after all of said line the following:

"2. The department of elementary and secondary education shall pilot assessments from the Smarter Balance Consortium during the 2014-15 school year for every school district and charter school in the state. The results of the statewide pilot shall not be used for high stakes accountability or public school district accreditation decisions or teacher evaluation for the 2014-15 school year."; and

Further amend said amendment by renumbering subsections 2 and 3 as 3 and 4; and

Further amend Page 1, Line 19 of said amendment by deleting the words "**in place of the common core state standards**" and inserting in lieu thereof the following:

"that meet the needs of the students of the state" ; and

Further amend Page 1, Lines 26 and 27 of said amendment, by deleting the words "**in place of the common core state standards**"; and

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

On motion of Representative Wood, **House Amendment No. 2 to House Amendment No. 1** was adopted.

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

House Amendment No. 3
to
House Amendment No. 1

AMEND House Amendment No. 1 to House Bill No. 1490, Page 2, Line 1, by inserting immediately after the word "**standards.**" the following:

"4. Any person performing work for a school district or charter school for which teacher certification or administrator certification is regularly required under the laws relating to the certification of teachers or administrators shall be an employee of the school district or charter school. All evaluations of any such person shall be maintained in the teacher's or administrator's personnel file and shall not be shared with any state or federal agency." ; and

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

On motion of Representative Thomson, **House Amendment No. 3 to House Amendment No. 1** was adopted.

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

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

House Amendment No. 2

AMEND House Bill No. 1490, Page 1, Section A, Line 2, by inserting after all of said line the following:

"160.514. 1. By rule and regulation, and consistent with the provisions contained in section 160.526, the state board of education shall adopt no more than seventy-five academic performance standards which establish the knowledge, skills and competencies necessary for students to successfully advance through the public elementary and secondary education system of this state; lead to or qualify a student for high school graduation; prepare students for postsecondary education or the workplace or both; and are necessary in this era to preserve the rights and liberties of the people.

2. [The state board of education shall convene work groups composed of education professionals to develop and recommend academic performance standards.] **Whenever the state board of education develops, evaluates, modifies, or revises academic performance standards or learning standards, it shall convene work groups composed of education professionals to develop and recommend such academic performance standards or learning standards.** Separate work groups composed of education professionals with appropriate expertise shall be convened for [each subject area listed in section 160.518. Active classroom teachers shall constitute the majority of each work group. Teachers] **the following subject areas: English language arts; mathematics; science; and history and governments. The subject area of history and governments shall incorporate geography and the history and governments of the United States and the world. For each subject area in which the state board of education develops, evaluates, modifies, or revises academic performance standards or learning standards, the state board shall convene two separate work groups, one work group for standards for grades kindergarten through five and a second work group for standards for grades six through twelve. Each work group shall consist of ten members. An education professional serving on a work group shall be a Missouri resident for at least three years and have taught in the work group's subject area for at least ten years or have ten years of experience in that subject area. Education professionals serving on [such] work groups shall be selected by the following entities and persons: professional teachers' organizations of the state, a statewide association of Missouri school boards, a statewide association of charter schools, a statewide**

association of school administrators, the speaker of the house of representatives, the president pro tempore of the senate, the governor, the lieutenant governor, the commissioner of higher education, and the heads of state-approved baccalaureate-level teacher preparation programs located in Missouri. Each entity or person shall select one member for each work group. The professional teachers' organizations shall collectively select one person for each work group. The heads of the state-approved baccalaureate-level teacher preparation programs shall collectively select one person for each work group. A person may be selected to serve on more than one work group if he or she is qualified. [Additional teachers who are not members of such organizations may serve by appointment of the state board of education.] **No work group member shall be required to be a member of a professional teacher association. The state board of education shall hold at least three public hearings whenever it develops, evaluates, modifies, or revises academic performance standards or learning standards. The hearings shall provide an opportunity to receive public testimony, including but not limited to testimony from educators at all levels in the state, local school boards, parents, representatives from business and industry, labor and community leaders, members of the general assembly, and the general public. The state board of education shall hold the first hearing within thirty days of the work groups being convened. The state board of education shall hold the second hearing approximately six months after it holds the first hearing. The state board of education shall hold the third hearing when the work groups submit the academic performance standards they have developed to the state board. The state board of education shall also solicit comments and feedback on the academic performance standards or learning standards from the joint committee on education and from academic researchers. All comments shall be made publicly available.**

3. The state board of education shall develop written curriculum frameworks that may be used by school districts. Such curriculum frameworks shall incorporate the academic performance standards adopted by the state board of education pursuant to subsection 1 of this section. The curriculum frameworks shall provide guidance to school districts but shall not be mandates for local school boards in the adoption or development of written curricula as required by subsection 4 of this section.

4. Not later than one year after the development of written curriculum frameworks pursuant to subsection 3 of this section, the board of education of each school district in the state shall adopt or develop a written curriculum designed to ensure that students attain the knowledge, skills and competencies established pursuant to subsection 1 of this section. Local school boards are encouraged to adopt or develop curricula that are rigorous and ambitious and may, but are not required to, use the curriculum frameworks developed pursuant to subsection 3 of this section. Nothing in this section or this act shall prohibit school districts, as determined by local boards of education, to develop or adopt curricula that provide for academic standards in addition to those identified by the state board of education pursuant to subsection 1 of this section.

5. Local school districts and charter schools may adopt their own education standards, in addition to those already adopted by the state, provided the additional standards are in the public domain."; and

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

Representative Roorda raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Rehder offered **House Amendment No. 1 to House Amendment No. 2.**

House Amendment No. 1 to House Amendment No. 2 was withdrawn.

Representative Rehder offered **House Amendment No. 2 to House Amendment No. 2.**

House Amendment No. 2
to
House Amendment No. 2

AMEND House Amendment No. 2 to House Bill No. 1490, Page 2, Line 6, by deleting the word "**ten**" and inserting in lieu thereof the word "**fourteen**"; and

Further amend said amendment, Page 2, Line 25, by inserting after the word "**qualified.**" the following:

"Four members of the work group shall be parents of currently enrolled students in grades kindergarten through twelve with two selected by the president pro tem of the senate and two selected by the speaker of the house of representatives."; and

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

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

On motion of Representative Spencer, **House Amendment No. 2, as amended**, was adopted.

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

House Amendment No. 3

AMEND House Bill No. 1490, Page 1, in the Title, Lines 2 and 3, by deleting the words, "the Common Core Standards Initiative" and inserting in lieu thereof the words, "elementary and secondary education"; and

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

"161.022. 1. The state board of education consists of eight lay members appointed by the governor, by and with the advice and consent of the senate, after an open committee hearing. The term of office of each member is eight years. At the expiration of the term of each member, the governor, by and with the advice and consent of the senate, shall appoint a successor. If the general assembly is not in session at the time for making an appointment, the governor shall make a temporary appointment as in the case of a vacancy.

2. **After August 28, 2014, no member shall serve more than two terms on the state board of education and any member who has already served two or more terms on the board shall be ineligible to serve an additional term. In applying this subsection, serving a term for less than four years shall not be counted.**

3. No member may be removed by the governor except after written notice and hearing on charges of malfeasance, misfeasance, or nonfeasance in office.

[3.] 4. Each member of the board shall receive as compensation for his services twenty-five dollars for each day actually spent in attendance at board meetings, and in addition shall be reimbursed for all necessary expenses incurred in the performance of his duties as a member of the board."; and

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

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

On motion of Representative Bahr, **HB 1490, as amended**, was ordered perfected and printed.

HB 1144, relating to the prevailing wage on low-income housing, was taken up by Representative White.

Representative Schatz moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

| | | | | |
|--------------|--------------|----------------|------------|-------------|
| Allen | Anderson | Austin | Bahr | Barnes |
| Bernskoetter | Berry | Brattin | Brown | Burlison |
| Cierpiot | Conway 104 | Cookson | Cornejo | Cox |
| Crawford | Cross | Davis | Diehl | Dohrman |
| Dugger | Elmer | Engler | Entlicher | Fitzpatrick |
| Fitzwater | Flanigan | Fraker | Franklin | Frederick |
| Funderburk | Gannon | Gatschenberger | Gosen | Grisamore |
| Guernsey | Haahr | Hampton | Hansen | Higdon |
| Hinson | Hoskins | Hough | Houghton | Hurst |
| Johnson | Justus | Keeney | Kelley 127 | Koenig |
| Kolkmeyer | Korman | Lair | Lant | Lauer |
| Leara | Lichtenegger | Love | Lynch | Marshall |
| McCaherty | McGaugh | Messenger | Miller | Molendorp |
| Moon | Morris | Muntzel | Neely | Neth |
| Parkinson | Pfautsch | Phillips | Pike | Pogue |
| Redmon | Rehder | Reiboldt | Remole | Rhoads |
| Richardson | Riddle | Ross | Rowden | Rowland |
| Scharnhorst | Schatz | Schieber | Shull | Shumake |
| Solon | Sommer | Spencer | Stream | Swan |
| Thomson | Torpey | Walker | White | Wieland |
| Wilson | Wood | Zerr | | |

NOES: 044

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

PRESENT: 000

ABSENT WITH LEAVE: 013

| | | | | |
|--------|---------|-------------|---------|---------|
| Colona | Curtman | Ellinger | Englund | Haefner |
| Hicks | Hodges | Jones 50 | Mims | Newman |
| Otto | Schupp | Mr. Speaker | | |

VACANCIES: 003

On motion of Representative White, **HB 1144** was ordered perfected and printed by the following vote:

AYES: 085

| | | | | |
|--------------|--------------|-------------|-----------|-------------|
| Allen | Anderson | Austin | Bahr | Barnes |
| Bernskoetter | Brattin | Brown | Burlison | Cierpiot |
| Cookson | Cornejo | Cox | Crawford | Cross |
| Davis | Diehl | Dohrman | Dugger | Elmer |
| Entlicher | Fitzpatrick | Fitzwater | Flanigan | Fraker |
| Franklin | Frederick | Gosen | Grisamore | Haahr |
| Hampton | Hoskins | Hough | Houghton | Hurst |
| Johnson | Jones 50 | Justus | Keeney | Kelley 127 |
| Koenig | Kolkmeier | Lair | Lant | Lauer |
| Leara | Lichtenegger | Love | Lynch | Marshall |
| McGaugh | Messenger | Miller | Moon | Morris |
| Muntzel | Neely | Parkinson | Pfautsch | Phillips |
| Pike | Pogue | Redmon | Rehder | Reiboldt |
| Remole | Rhoads | Richardson | Riddle | Ross |
| Rowden | Rowland | Scharnhorst | Schatz | Schieber |
| Shull | Shumake | Stream | Swan | Thomson |
| Walker | White | Wilson | Wood | Mr. Speaker |

NOES: 064

| | | | | |
|------------|-----------|------------|----------------|---------------|
| Anders | Berry | Black | Burns | Butler |
| Carpenter | Colona | Conway 10 | Conway 104 | Curtis |
| Dunn | Ellington | Engler | English | Frame |
| Funderburk | Gannon | Gardner | Gatschenberger | Hansen |
| Harris | Hicks | Higdon | Hinson | Hubbard |
| Hummel | Kelly 45 | Kirkton | Korman | Kratky |
| LaFaver | May | Mayfield | McCaherty | McCann Beatty |
| McDonald | McKenna | McManus | McNeil | Meredith |
| Mitten | Molendorp | Montecillo | Morgan | Neth |
| Nichols | Norr | Pace | Peters | Pierson |
| Rizzo | Roorda | Runions | Smith | Solon |
| Sommer | Spencer | Swearingen | Torpey | Walton Gray |
| Webber | Wieland | Wright | Zerr | |

PRESENT: 000

ABSENT WITH LEAVE: 011

| | | | | |
|---------|----------|---------|----------|-----------|
| Curtman | Ellinger | Englund | Guernsey | Haefner |
| Hodges | Mims | Newman | Otto | Schieffer |
| Schupp | | | | |

VACANCIES: 003

HCS HB 1918, relating to foreign ownership of agricultural land, was taken up by Representative Dugger.

Representative Keeney assumed the Chair.

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

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

Representative Keeney requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

On motion of Representative Dugger, **HCS HB 1918** was adopted.

On motion of Representative Dugger, **HCS HB 1918** was ordered perfected and printed.

HB 1219, relating to absentee ballots, was placed on the Informal Calendar.

REFERRAL OF HOUSE CONCURRENT RESOLUTION

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

HCR 40 - Utilities

REFERRAL OF HOUSE JOINT RESOLUTION

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

HJR 68 - Fiscal Review

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HCS HBs 1179 & 1765 - Fiscal Review
HB 1889 - Judiciary
HB 1892 - Insurance Policy
HB 2088 - Agriculture Policy
HB 2092 - Utilities
HB 2139 - Transportation
HB 2140 - Utilities
HB 2145 - Health Care Policy
HB 2151 - Crime Prevention and Public Safety
HB 2186 - General Laws
HB 2198 - Professional Registration and Licensing
HB 2204 - Utilities
HB 2214 - Crime Prevention and Public Safety
HB 2218 - Ways and Means
HB 2219 - Health Care Policy
HB 2231 - Health Insurance

- HB 2232** - Elementary and Secondary Education
- HB 2233** - Elementary and Secondary Education
- HB 2235** - Utilities
- HB 2236** - Utilities
- HB 2237** - Utilities
- HB 2243** - Health Insurance
- HB 2244** - Professional Registration and Licensing
- HB 2249** - Government Oversight and Accountability
- HB 2250** - General Laws
- HB 2267** - Budget
- HB 2270** - General Laws
- HB 2274** - Downsizing State Government
- HB 2276** - Workforce Development and Workplace Safety
- HB 2278** - Transportation
- HB 2279** - Transportation
- HB 2280** - Transportation
- HB 2290** - Ways and Means
- HB 2292** - Budget

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The following Senate Concurrent Resolutions were referred to the Committee indicated:

- SCR 17** - Tourism and Natural Resources
- SCR 31** - Insurance Policy
- SCR 32** - Health Care Policy

REFERRAL OF SENATE JOINT RESOLUTION

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

- SCS SJR 27** - Downsizing State Government

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

- SB 499** - Judiciary
- SCS SB 520** - Children, Families, and Persons with Disabilities
- SCS SB 524** - Health Insurance
- SB 584** - Ways and Means
- SB 628** - Higher Education
- SS SB 673** - Workforce Development and Workplace Safety
- SB 693** - General Laws
- SS SCS SB 707** - Agri-Business
- SB 718** - Workforce Development and Workplace Safety
- SS SCS SB 720** - Children, Families, and Persons with Disabilities

SS SB 741 - General Laws

SS SCS SB 767 - Crime Prevention and Public Safety

SCS SB 777 - Special Standing Committee on Small Business

SS SB 782 - Elementary and Secondary Education

SCS SB 808 - Professional Registration and Licensing

COMMITTEE REPORTS

Committee on Children, Families, and Persons with Disabilities, Chairman Grisamore reporting:

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **HB 1062**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **HB 1898**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Crime Prevention and Public Safety, Chairman Hinson reporting:

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **HB 1152**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **HB 1562**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **HB 2124**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Higher Education, Chairman Thomson reporting:

Mr. Speaker: Your Committee on Higher Education, to which was referred **SCS SB 492**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Judiciary, Chairman Cox reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 1612**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Professional Registration and Licensing, Chairman Burlison reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SS SB 525**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Transportation, Chairman Schatz reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 1634**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 2070**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HB 2014** and has taken up and passed **CCS SCS HB 2014**.

COMMITTEE CHANGE

April 8, 2014

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Rory Ellinger from the Special Standing Committee on Corrections, and add Representative Rochelle Walton Gray.

If you have any questions regarding this communication, please contact my office.

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Wednesday, April 9, 2014.

COMMITTEE HEARINGS

ADMINISTRATION AND ACCOUNTS

Thursday, April 10, 2014, 9:00 AM, House Hearing Room 6.

Public hearing will be held: HB 2155

Executive session will be held: HB 2155

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

AGRI-BUSINESS

Thursday, April 10, 2014, Upon Morning Adjournment, North Gallery.

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

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Wednesday, April 9, 2014, 12:00 PM or Upon Morning Recess, whichever is later, House Hearing Room 3.

Oversight hearing

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Thursday, April 10, 2014, 9:45 AM, South Gallery.

Executive session will be held: SCS SB 567

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

DOWNSIZING STATE GOVERNMENT

Thursday, April 10, 2014, 8:00 AM, House Hearing Room 4.

Public hearing will be held: HR 1016, HB 2076, SCS SJR 27, HB 2274

Executive session will be held: HB 2050, HB 2053, SB 523

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

AMENDED

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, April 9, 2014, 8:00 AM, House Hearing Room 6.

Public hearing will be held: SCS SBs 493, 485, 495, 516, 534, 545, 595, 616 & 624, HB 2037, HB 1108

Executive session will be held: HB 1843, HB 1895

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

Public hearings on SCS SBs 493, 485, 495, 516, 534, 545, 595, 616, & 624 and HB 2037 will continue if needed.

FISCAL REVIEW

Wednesday, April 9, 2014, 8:30 AM, House Hearing Room 2.

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

FISCAL REVIEW

Thursday, April 10, 2014, 8:30 AM, House Hearing Room 2.

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

GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Wednesday, April 9, 2014, Upon Afternoon Adjournment, South Gallery.

Executive session will be held: HB 2103

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

HEALTH CARE POLICY

Wednesday, April 9, 2014, Upon Morning Recess or Noon, whichever is later, House Hearing Room 6.

Public hearing will be held: SCS SB 716

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

Amended #2. Committee will not be hearing HB 2189.

AMENDED

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, April 10, 2014, 8:00 AM, House Hearing Room 7.

Fiscal notes: testimony from department directors regarding Fiscal Impact Request responses and fiscal note process recommendations. Some portions of the meeting may be closed pursuant to Section 610.021.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, April 10, 2014, 8:00 AM, House Hearing Room 1.

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

JUDICIARY

Wednesday, April 9, 2014, 12:00 PM or immediately Upon Morning Recess, House Hearing Room 1.

Public hearing will be held: SB 614, SB 615, SB 621, SB 766, HJR 46, HB 1855

Executive session will be held: SB 606, SCS SB 530, HB 1743

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

AMENDED

LOCAL GOVERNMENT

Thursday, April 10, 2014, 8:00 AM, House Hearing Room 5.

Public hearing will be held: SB 690

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

RETIREMENT

Thursday, April 10, 2014, 9:00 AM, House Hearing Room 1.

Public hearing will be held: SCS SB 675

Executive session will be held: SCS SB 675

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

RULES

Wednesday, April 9, 2014, 4:30 PM or Upon Evening Adjournment, South Gallery.

Executive session will be held: HCS HCR 38, HCS HJR 62, HJR 70, HCS#2 HBs 1100 & 1421, HB 1281, HCS HB 1285, HB 1574, HCS HB 1689, HB 1883, HCS HB 1937, HCS HB 1949, HB 1998, HCS HB 2020, HB 2077, HB 2079, HB 2193

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

CORRECTED

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, April 9, 2014, 8:00 AM, House Hearing Room 5.

Public hearing will be held: HB 1471, HB 2169

Executive session will be held: HB 1402, HB 1927

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

TRANSPORTATION

Thursday, April 10, 2014, 9:45 AM, South Gallery.

Executive session will be held: HB 2163

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

UTILITIES

Wednesday, April 9, 2014, 8:00 AM, House Hearing Room 7.

Public hearing will be held: SB 601, HB 1230

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

HOUSE CALENDAR

FORTY-NINTH DAY, WEDNESDAY, APRIL 9, 2014

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1655 - Burlison
- 2 HB 1821 - Diehl
- 3 HB 1342 - Scharnhorst
- 4 HB 1770 - Burlison
- 5 HCS HB 1936 - Dugger
- 6 HCS HB 1350 - Richardson
- 7 HCS HB 1801 - White
- 8 HB 1906 - Schieber
- 9 HCS HB 1116 - Hicks
- 10 HB 1251 - Elmer
- 11 HB 1539 - Kelley (127)
- 12 HB 1591 - Brown
- 13 HCS HB 1614 - Burlison
- 14 HCS HB 1662 - Richardson
- 15 HCS HB 1999 - Dugger

HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HB 1191 - Miller
- 2 HB 1198 - Funderburk
- 3 HCS HB 1349 - Richardson
- 4 HB 1454 - Swan
- 5 HB 1652 - Funderburk
- 6 HB 1219 - Dugger

HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING

HCR 29 - Scharnhorst

HOUSE JOINT RESOLUTIONS FOR THIRD READING

HJR 68, (Fiscal Review 4/8/14) - Hinson

HOUSE BILLS FOR THIRD READING - CONSENT

HB 1568 - Frederick

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 8 - Richardson
- 2 HCR 9 - Cookson
- 3 HCR 16 - Guernsey

SENATE BILLS FOR THIRD READING

- 1 SB 652 - Funderburk
- 2 SCS SB 613 - Funderburk

HOUSE RESOLUTIONS

HR 1485 - Diehl