

# JOURNAL OF THE HOUSE

First Regular Session, 98th GENERAL ASSEMBLY

FIFTY-FIRST DAY, TUESDAY, APRIL 14, 2015

The House met pursuant to adjournment.

Speaker Diehl in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

*Thus saith the Lord, as I was with Moses, so I will be with you; I will not fail you or forsake you. (Joshua 1:5)*

Almighty and Eternal God, whose loving spirit is ever seeking to lead us along the paths of truth and peace, make us so mindful of Your presence, so motivated by Your spirit, so marked by Your power that we may face this hour and live through this week with courage, strength, and goodness.

Hasten the day when freedom shall be a fact for of all peoples, when good will shall dwell in the hearts of all, and when all citizens shall learn to live together.

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: Josef Hood, Montana Hood, and Umar Akhtar.

The Journal of the fiftieth day was approved as printed.

## SPECIAL RECOGNITION

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

## SECOND READING OF SENATE BILLS

The following Senate Bills were read the second time:

**SB 244**, relating to the financial exploitation of certain elderly and disabled.

**SCS SB 445**, relating to sulfur dioxide ambient air quality monitoring.

**SCS SB 456**, relating to the ownership of motor vehicles.

**SB 524**, relating to contractual fees charged by certain financial institutions.

**COMMITTEE REPORTS**

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

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 148**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 268**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 811**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**THIRD READING OF HOUSE BILLS**

**HB 148**, relating to workers' compensation, was taken up by Representative Fitzpatrick.

On motion of Representative Fitzpatrick, **HB 148** was read the third time and passed by the following vote:

AYES: 127

Adams	Alferman	Allen	Anderson	Andrews
Arthur	Bahr	Barnes	Basye	Beard
Bernskoetter	Berry	Black	Bondon	Brattin
Brown 57	Brown 94	Burlison	Burns	Carpenter
Chipman	Cierpiot	Conway 10	Conway 104	Cookson
Corlew	Cornejo	Crawford	Cross	Curtman
Davis	Dogan	Dugger	Eggleston	Engler
English	Entlicher	Fitzpatrick	Fitzwater 49	Flanigan
Fraker	Franklin	Frederick	Gannon	Gosen
Haahr	Haefner	Hansen	Harris	Hicks
Higdon	Hill	Hinson	Hoskins	Houghton
Hubrecht	Hurst	Johnson	Jones	Justus
Keeney	Kelley	Kendrick	Kidd	King
Kirkton	Koenig	Kolkmeier	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Lavender
Leara	Lichtenegger	Love	Lynch	Marshall
Mathews	May	McDaniel	McGaugh	McManus
Messenger	Miller	Moon	Morgan	Morris
Muntzel	Otto	Parkinson	Pfautsch	Phillips
Pietzman	Pike	Pogue	Rehder	Remole
Rhoads	Richardson	Roden	Roeber	Rone
Ross	Rowden	Rowland	Runions	Ruth
Shaul	Shull	Shumake	Solon	Sommer
Spencer	Swan	Taylor	Vescovo	Walker
Webber	White	Wiemann	Wilson	Wood
Zerr	Mr. Speaker			

NOES: 023

Anders	Butler	Curtis	Gardner	Green
Hummel	McCann Beatty	McCreery	McDonald	McNeil

Meredith	Mims	Mitten	Montecillo	Newman
Nichols	Norr	Pace	Peters	Pierson
Rizzo	Smith	Walton Gray		

PRESENT: 000

ABSENT WITH LEAVE: 012

Austin	Colona	Dohrman	Dunn	Ellington
Fitzwater 144	Hough	Hubbard	McCaherty	Neely
Redmon	Reiboldt			

VACANCIES: 001

Speaker Diehl declared the bill passed.

**HCS HB 268**, relating to limitations on income tax credits or refunds, was taken up by Representative Miller.

On motion of Representative Miller, **HCS HB 268** was read the third time and passed by the following vote:

AYES: 148

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

NOES: 005

Burlison                      Green                              Marshall                              Pogue                              Rehder

PRESENT: 000

ABSENT WITH LEAVE: 009

Dohrman                      Dunn                              Ellington                              Hough                              Hubbard  
 McCaherty                      Neely                              Parkinson                              Redmon

VACANCIES: 001

Speaker Diehl declared the bill passed.

**HCS HB 811**, relating to the Department of Revenue, was taken up by Representative Richardson.

On motion of Representative Richardson, **HCS HB 811** was read the third time and passed by the following vote:

AYES: 146

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

NOES: 002

Colona                      Norr

PRESENT: 000

ABSENT WITH LEAVE: 014

Allen	Cookson	Cross	Dugger	Dunn
Ellington	Flanigan	Hough	Hubbard	McCaherty
Neely	Newman	Redmon	Rowden	

VACANCIES: 001

Speaker Diehl declared the bill passed.

### PERFECTION OF HOUSE BILLS

**HCS HB 457**, relating to cardiopulmonary instruction in schools, was taken up by Representative Hicks.

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

#### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 457, Page 1, Section 170.310, Line 3, by inserting after the phrase "**cardiopulmonary resuscitation instruction**" the following:

**"and training in the proper performance of the heimlich maneuver or other first aid for choking";** and

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

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

Representative Richardson moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Alferman	Anderson	Andrews	Austin	Bahr
Barnes	Basye	Beard	Bernskoetter	Black
Bondon	Brattin	Brown 94	Burlison	Chipman
Cierpiot	Cookson	Corlew	Cornejo	Crawford
Cross	Curtman	Davis	Dogan	Dohrman
Dugger	Eggleston	Engler	English	Entlicher
Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker	Frederick
Gannon	Gosen	Haahr	Haefner	Hansen
Hicks	Higdon	Hill	Hinson	Hoskins
Hough	Houghton	Hubrecht	Hurst	Johnson
Justus	Keeney	Kelley	Kidd	King
Koenig	Kolkmeier	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Mathews	McDaniel	Messenger	Miller	Moon

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

Mr. Speaker

NOES: 040

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

PRESENT: 001

Marshall

ABSENT WITH LEAVE: 015

Allen	Berry	Brown 57	Conway 104	Dunn
Flanigan	Franklin	Hubbard	Jones	McCaherty
McGaugh	Muntzel	Neely	Otto	Webber

VACANCIES: 001

On motion of Representative Hicks, **HCS HB 457, as amended**, was adopted.

On motion of Representative Hicks, **HCS HB 457, as amended**, was ordered perfected and printed.

**HB 643, with House Amendment No. 1, pending**, relating to the Missouri Local Government Employees' Retirement System, was taken up by Representative Hinson.

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

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

AMEND House Amendment No. 1 to House Bill No. 643, Page 1, Line 3, by inserting after all of said line the following:

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

"50.1175. The right of a person to an annuity, pension benefit, funds, retirement allowance, right to a return on accumulated contributions, allowance options, property, or right created by or accrued, accruing or paid to any person pursuant to sections 50.1000 to 50.1300, including any defined contribution account created pursuant to sections 50.1210 to 50.1260 and any deferred compensation plan created pursuant to section 50.1300 shall not be

subject to execution, garnishment, attachment, writ of sequestration, the operation of bankruptcy or insolvency laws[, a qualified domestic relations order as defined in 26 U.S.C. Section 414(p) or 29 U.S.C. Section 1056(d), or any other domestic relations order] or to any other claim or process of law whatsoever except for the collection of child support and maintenance after a member begins receiving payments, and shall be unassignable except as specifically provided in sections 50.1000 to 50.1300." ; and "; and

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

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

Representative Keeney assumed the Chair.

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

On motion of Representative Hinson, **HB 643, as amended**, was ordered perfected and printed.

**HB 923**, relating to state energy plans, was taken up by Representative Miller.

Speaker Diehl resumed the Chair.

On motion of Representative Miller, **HB 923** was ordered perfected and printed.

**HCS HB 258**, relating to the offense of animal or livestock trespass, was taken up by Representative Reiboldt.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 258, Page 1, In the Title, Line 3, by deleting said line and inserting in lieu thereof the following:

"sections relating to agricultural property, with penalty provisions."; and

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

**"569.098. 1. A person commits the offense of tampering with farm equipment if he or she knowingly and without authorization or without reasonable grounds to believe that he or she has such authorization:**

**(1) Defaces, marks, disturbs, or vandalizes any farm equipment owned by another;**

**(2) Modifies or destroys any component necessary to the operation of any farm equipment owned by another; or**

**(3) Accesses and relocates any farm equipment owned by another.**

**2. The offense of tampering with farm equipment is a class A misdemeanor, unless the offense causes pecuniary loss in excess of one thousand dollars, in which case it is a class D felony if committed prior to January 1, 2017 and a class E felony if committed on or after January 1, 2017.**

**3. For the purposes of this section, the term "farm equipment" shall mean equipment including, but not limited to, tractors, trailers, combines, tillage implements, bailers, and other equipment including attachments and repair parts thereof used in the planting, cultivating, irrigation, harvesting, and marketing**

of agricultural products, excluding self-propelled machines designed primarily for the transportation of persons or property on a street or highway."; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 258, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

"272.030. [If any horses, cattle or other stock shall break over or through any lawful fence, as defined in section 272.020, and by so doing obtain access to, or do trespass upon, the premises of another, the owner of such animal shall, for the first trespass, make reparation to the party injured for the true value of the damages sustained, to be recovered with costs before a circuit or associate circuit judge, and for any subsequent trespass the party injured may put up said animal or animals and take good care of the same and immediately notify the owner, who shall pay to taker-up the amount of the damages sustained, and such compensation as shall be reasonable for the taking up and keeping of such animals, before he shall be allowed to remove the same, and if the owner and taker-up cannot agree upon the amount of the damages and compensation, either party may institute an action in circuit court as in other civil cases. If the owner recover, he shall recover his costs and any damages he may have sustained, and the court shall issue an order requiring the taker-up to deliver to him the animals. If the taker-up recover, the judgment shall be a lien upon the animals taken up, and in addition to a general judgment and execution, he shall have a special execution against such animals to pay the judgment rendered, and costs] **The owner of any livestock that trespasses on the premises of another shall not be held strictly liable for any damages.**

272.230. [If any horses, cattle or other stock trespass upon the premises of another, the owner of the animal shall for the first trespass make reparation to the party injured for the true value of the damages sustained, to be recovered with costs before an associate circuit judge, or in any court of competent jurisdiction, and for any subsequent trespass the party injured may put up the animal or animals and take good care of them and immediately notify the owner, who shall pay to the taker-up the amount of the damages sustained, and such compensation as shall be reasonable for the taking up and keeping of the animals, before he shall be allowed to remove them, and if the owner and taker-up cannot agree upon the amount of the damages and compensation either party may make complaint to an associate circuit judge of the county, setting forth the fact of the disagreement, and the associate circuit judge shall be possessed of the cause, and shall issue a summons to the adverse party and proceed with the cause as in other civil cases. If the owner recovers, he shall recover his costs and any damages he may have sustained, and the associate circuit judge shall issue an order requiring the taker-up to deliver to him the animals. If the taker-up recover, the judgment shall be a lien upon the animals taken up, and, in addition to a general judgment and execution, he shall have a special execution against the animals to pay the judgment rendered and costs] **The owner of any livestock that trespasses on the premises of another shall not be held strictly liable for any damages sustained.**"; and

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

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

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:



AYES: 101

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

NOES: 040

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

PRESENT: 000

ABSENT WITH LEAVE: 021

Allen	Brown 57	Cornejo	Cross	Dugger
Dunn	Flanigan	Franklin	Gannon	Hansen
Hubbard	Kelley	LaFaver	Leara	Marshall
McCaherty	Neely	Rehder	Rhoads	Rowden
Zerr				

VACANCIES: 001

On motion of Representative Reiboldt, **HCS HB 258, as amended**, was adopted.

On motion of Representative Reiboldt, **HCS HB 258, as amended**, was ordered perfected and printed.

**THIRD READING OF HOUSE CONCURRENT RESOLUTIONS**

**HCR 38**, relating to the Human Trafficking Task Force, was taken up by Representative Haahr.

On motion of Representative Haahr, **HCR 38** was read the third time and passed by the following vote:

AYES: 152

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

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Allen	Dugger	Dunn	Engler	Flanigan
Hubbard	McCaherty	Mims	Neely	Rehder

VACANCIES: 001

Speaker Diehl declared the bill passed.

### **PERFECTION OF HOUSE BILLS**

**HCS HB 296**, relating to the First Informer Broadcasters Act, was taken up by Representative Kelley.

On motion of Representative Kelley, **HCS HB 296** was adopted.

On motion of Representative Kelley, **HCS HB 296** was ordered perfected and printed.

**HCS HB 377**, relating to remediation prevention, was taken up by Representative Swan.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 377, Page 3, Section 173.750, Line 32, by inserting immediately after said line the following:

**"285.560. 1. Notwithstanding any other provision of law, an employer shall grant a parent, guardian, or custodian of a child who is enrolled in a school in compliance with section 167.031 leave from his or her place of employment for four hours per school year, which shall be taken in increments of at least one hour, to attend parent-teacher conferences. The leave shall be at a time mutually agreed upon by the employer and the employee.**

**2. An employer may require:**

**(1) An employee to provide a written request for the leave at least five school days before the leave is taken; and**

**(2) An employee who takes leave under this section to provide documentation that during the time of the leave, the employee attended a parent-teacher conference.**

**3. An employer is not required to pay an employee for any leave taken under this section.**

**4. A parent, guardian, or custodian shall be granted leave in accordance with this section for each child of the parent, guardian, or custodian who is enrolled in school."; and**

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

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

The Chair ruled the point of order well taken.

On motion of Representative Swan, **HCS HB 377** was adopted.

On motion of Representative Swan, **HCS HB 377** was ordered perfected and printed.

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

**AFTERNOON SESSION**

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

Representative Richardson suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 073

Adams	Alferman	Anderson	Arthur	Bernskoetter
Berry	Black	Bondon	Brown 94	Burlison
Burns	Colona	Conway 10	Conway 104	Eggleston
Entlicher	Fitzwater 144	Fitzwater 49	Flanigan	Fraker
Franklin	Gannon	Gosen	Green	Haefner
Harris	Higdon	Hill	Houghton	Hubbard
Hubrecht	Hurst	Johnson	Jones	Kelley
Kidd	Koenig	Kolkmeier	Korman	Kratky
Lant	Lauer	May	McCreery	Montecillo
Moon	Morgan	Morris	Muntzel	Newman
Parkinson	Pfausch	Phillips	Pike	Pogue
Remole	Rhoads	Richardson	Rizzo	Rowden
Runions	Ruth	Shull	Shumake	Sommer
Spencer	Taylor	Vescovo	Walker	Walton Gray
White	Zerr	Mr. Speaker		

NOES: 001

McNeil

PRESENT: 029

Andrews	Austin	Bahr	Basye	Chipman
Davis	Dogan	Dohrman	Dunn	English
Hicks	Hummel	Kendrick	King	Kirkton
Lavender	Lynch	McCann Beatty	McDaniel	McGaugh
Messenger	Miller	Nichols	Norr	Pace
Pierson	Reiboldt	Roden	Rowland	

ABSENT WITH LEAVE: 059

Allen	Anders	Barnes	Beard	Brattin
Brown 57	Butler	Carpenter	Cierpiot	Cookson
Corlew	Cornejo	Crawford	Cross	Curtis
Curtman	Dugger	Ellington	Engler	Fitzpatrick
Frederick	Gardner	Haahr	Hansen	Hinson
Hoskins	Hough	Justus	Keeney	LaFaver
Lair	Leara	Lichtenegger	Love	Marshall
Mathews	McCaherty	McDonald	McManus	Meredith
Mims	Mitten	Neely	Otto	Peters
Pietzman	Redmon	Rehder	Roeber	Rone
Ross	Shaul	Smith	Solon	Swan
Webber	Wiemann	Wilson	Wood	

VACANCIES: 001

## PERFECTION OF HOUSE BILLS

**HB 1070**, relating to the office of military advocate, was taken up by Representative Davis.

On motion of Representative Davis, **HB 1070** was ordered perfected and printed.

**HCS HB 864**, relating to real property owned by limited liability companies, was taken up by Representative Solon.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 864, Page 1, Section 347.048, Lines 8-15, by deleting all of said lines; and

Further amend said section and page, Line 16, by deleting "(3)" and inserting in lieu thereof "(2)"; and

Further amend said section, Page 2, Lines 24-25, by deleting all of said lines and inserting in lieu thereof the following:

"**clerk, any person who is adversely affected by the failure or refusal or the home rule city may petition the circuit court in the county where the**"; and

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

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

On motion of Representative Solon, **HCS HB 864, as amended**, was adopted.

On motion of Representative Solon, **HCS HB 864, as amended**, was ordered perfected and printed.

**HB 462**, relating to restrictive covenants, was taken up by Representative Bahr.

On motion of Representative Bahr, **HB 462** was ordered perfected and printed.

**HCS HB 796**, relating to nonmedical public assistance, was taken up by Representative Haefner.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 796, Page 1, In the Title, Line 2, by deleting the word "nonmedical"; and

Further amend said bill and page, Section 208.025, Line 11, by inserting immediately after all of said line and section the following:

"208.152. 1. MO HealthNet payments shall be made on behalf of those eligible needy persons as defined in section 208.151 who are unable to provide for it in whole or in part, with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Inpatient hospital services, except to persons in an institution for mental diseases who are under the age of sixty-five years and over the age of twenty-one years; provided that the MO HealthNet division shall provide through rule and regulation an exception process for coverage of inpatient costs in those cases requiring treatment beyond the seventy-fifth percentile professional activities study (PAS) or the MO HealthNet children's diagnosis

length-of-stay schedule; and provided further that the MO HealthNet division shall take into account through its payment system for hospital services the situation of hospitals which serve a disproportionate number of low-income patients;

(2) All outpatient hospital services, payments therefor to be in amounts which represent no more than eighty percent of the lesser of reasonable costs or customary charges for such services, determined in accordance with the principles set forth in Title XVIII A and B, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.), but the MO HealthNet division may evaluate outpatient hospital services rendered under this section and deny payment for services which are determined by the MO HealthNet division not to be medically necessary, in accordance with federal law and regulations;

(3) Laboratory and X-ray services;

(4) Nursing home services for participants, except to persons with more than five hundred thousand dollars equity in their home or except for persons in an institution for mental diseases who are under the age of sixty-five years, when residing in a hospital licensed by the department of health and senior services or a nursing home licensed by the department of health and senior services or appropriate licensing authority of other states or government-owned and -operated institutions which are determined to conform to standards equivalent to licensing requirements in Title XIX of the federal Social Security Act (42 U.S.C. Section 301, et seq.), as amended, for nursing facilities. The MO HealthNet division may recognize through its payment methodology for nursing facilities those nursing facilities which serve a high volume of MO HealthNet patients. The MO HealthNet division when determining the amount of the benefit payments to be made on behalf of persons under the age of twenty-one in a nursing facility may consider nursing facilities furnishing care to persons under the age of twenty-one as a classification separate from other nursing facilities;

(5) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection for those days, which shall not exceed twelve per any period of six consecutive months, during which the participant is on a temporary leave of absence from the hospital or nursing home, provided that no such participant shall be allowed a temporary leave of absence unless it is specifically provided for in his plan of care. As used in this subdivision, the term "temporary leave of absence" shall include all periods of time during which a participant is away from the hospital or nursing home overnight because he is visiting a friend or relative;

(6) Physicians' services, whether furnished in the office, home, hospital, nursing home, or elsewhere;

(7) Drugs and medicines when prescribed by a licensed physician, dentist, podiatrist, or an advanced practice registered nurse; except that no payment for drugs and medicines prescribed on and after January 1, 2006, by a licensed physician, dentist, podiatrist, or an advanced practice registered nurse may be made on behalf of any person who qualifies for prescription drug coverage under the provisions of P.L. 108-173;

(8) Emergency ambulance services and, effective January 1, 1990, medically necessary transportation to scheduled, physician-prescribed nonelective treatments;

(9) Early and periodic screening and diagnosis of individuals who are under the age of twenty-one to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby. Such services shall be provided in accordance with the provisions of Section 6403 of P.L. 101-239 and federal regulations promulgated thereunder;

(10) Home health care services;

(11) Family planning as defined by federal rules and regulations; provided, however, that such family planning services shall not include abortions unless such abortions are certified in writing by a physician to the MO HealthNet agency that, in the physician's professional judgment, the life of the mother would be endangered if the fetus were carried to term;

(12) Inpatient psychiatric hospital services for individuals under age twenty-one as defined in Title XIX of the federal Social Security Act (42 U.S.C. Section 1396d, et seq.);

(13) Outpatient surgical procedures, including presurgical diagnostic services performed in ambulatory surgical facilities which are licensed by the department of health and senior services of the state of Missouri; except, that such outpatient surgical services shall not include persons who are eligible for coverage under Part B of Title XVIII, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended, if exclusion of such persons is permitted under Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended;

(14) Personal care services which are medically oriented tasks having to do with a person's physical requirements, as opposed to housekeeping requirements, which enable a person to be treated by his or her physician on an outpatient rather than on an inpatient or residential basis in a hospital, intermediate care facility, or skilled nursing facility. Personal care services shall be rendered by an individual not a member of the participant's family who is qualified to provide such services where the services are prescribed by a physician in accordance with a plan

of treatment and are supervised by a licensed nurse. Persons eligible to receive personal care services shall be those persons who would otherwise require placement in a hospital, intermediate care facility, or skilled nursing facility. Benefits payable for personal care services shall not exceed for any one participant one hundred percent of the average statewide charge for care and treatment in an intermediate care facility for a comparable period of time. Such services, when delivered in a residential care facility or assisted living facility licensed under chapter 198 shall be authorized on a tier level based on the services the resident requires and the frequency of the services. A resident of such facility who qualifies for assistance under section 208.030 shall, at a minimum, if prescribed by a physician, qualify for the tier level with the fewest services. The rate paid to providers for each tier of service shall be set subject to appropriations. Subject to appropriations, each resident of such facility who qualifies for assistance under section 208.030 and meets the level of care required in this section shall, at a minimum, if prescribed by a physician, be authorized up to one hour of personal care services per day. Authorized units of personal care services shall not be reduced or tier level lowered unless an order approving such reduction or lowering is obtained from the resident's personal physician. Such authorized units of personal care services or tier level shall be transferred with such resident if he or she transfers to another such facility. Such provision shall terminate upon receipt of relevant waivers from the federal Department of Health and Human Services. If the Centers for Medicare and Medicaid Services determines that such provision does not comply with the state plan, this provision shall be null and void. The MO HealthNet division shall notify the revisor of statutes as to whether the relevant waivers are approved or a determination of noncompliance is made;

(15) Mental health services. The state plan for providing medical assistance under Title XIX of the Social Security Act, 42 U.S.C. Section 301, as amended, shall include the following mental health services when such services are provided by community mental health facilities operated by the department of mental health or designated by the department of mental health as a community mental health facility or as an alcohol and drug abuse facility or as a child-serving agency within the comprehensive children's mental health service system established in section 630.097. The department of mental health shall establish by administrative rule the definition and criteria for designation as a community mental health facility and for designation as an alcohol and drug abuse facility. Such mental health services shall include:

(a) Outpatient mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(b) Clinic mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(c) Rehabilitative mental health and alcohol and drug abuse services including home and community-based preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health or alcohol and drug abuse professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management. As used in this section, mental health professional and alcohol and drug abuse professional shall be defined by the department of mental health pursuant to duly promulgated rules. With respect to services established by this subdivision, the department of social services, MO HealthNet division, shall enter into an agreement with the department of mental health. Matching funds for outpatient mental health services, clinic mental health services, and rehabilitation services for mental health and alcohol and drug abuse shall be certified by the department of mental health to the MO HealthNet division. The agreement shall establish a mechanism for the joint implementation of the provisions of this subdivision. In addition, the agreement shall establish a mechanism by which rates for services may be jointly developed;

(16) Such additional services as defined by the MO HealthNet division to be furnished under waivers of federal statutory requirements as provided for and authorized by the federal Social Security Act (42 U.S.C. Section 301, et seq.) subject to appropriation by the general assembly;

(17) The services of an advanced practice registered nurse with a collaborative practice agreement to the extent that such services are provided in accordance with chapters 334 and 335, and regulations promulgated thereunder;

(18) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection to reserve a bed for the participant in the nursing home during the time that the participant is absent due to admission to a hospital for services which cannot be performed on an outpatient basis, subject to the provisions of this subdivision:

(a) The provisions of this subdivision shall apply only if:

a. The occupancy rate of the nursing home is at or above ninety-seven percent of MO HealthNet certified licensed beds, according to the most recent quarterly census provided to the department of health and senior services which was taken prior to when the participant is admitted to the hospital; and

b. The patient is admitted to a hospital for a medical condition with an anticipated stay of three days or less;

(b) The payment to be made under this subdivision shall be provided for a maximum of three days per hospital stay;

(c) For each day that nursing home costs are paid on behalf of a participant under this subdivision during any period of six consecutive months such participant shall, during the same period of six consecutive months, be ineligible for payment of nursing home costs of two otherwise available temporary leave of absence days provided under subdivision (5) of this subsection; and

(d) The provisions of this subdivision shall not apply unless the nursing home receives notice from the participant or the participant's responsible party that the participant intends to return to the nursing home following the hospital stay. If the nursing home receives such notification and all other provisions of this subsection have been satisfied, the nursing home shall provide notice to the participant or the participant's responsible party prior to release of the reserved bed;

(19) Prescribed medically necessary durable medical equipment. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(20) Hospice care. As used in this subdivision, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(21) Prescribed medically necessary dental services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(22) Prescribed medically necessary optometric services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(23) Blood clotting products-related services. For persons diagnosed with a bleeding disorder, as defined in section 338.400, reliant on blood clotting products, as defined in section 338.400, such services include:

(a) Home delivery of blood clotting products and ancillary infusion equipment and supplies, including the emergency deliveries of the product when medically necessary;

(b) Medically necessary ancillary infusion equipment and supplies required to administer the blood clotting products; and

(c) Assessments conducted in the participant's home by a pharmacist, nurse, or local home health care agency trained in bleeding disorders when deemed necessary by the participant's treating physician;

(24) The MO HealthNet division shall, by January 1, 2008, and annually thereafter, report the status of MO HealthNet provider reimbursement rates as compared to one hundred percent of the Medicare reimbursement rates and compared to the average dental reimbursement rates paid by third-party payors licensed by the state. The MO HealthNet division shall, by July 1, 2008, provide to the general assembly a four-year plan to achieve parity with Medicare reimbursement rates and for third-party payor average dental reimbursement rates. Such plan shall be subject to appropriation and the division shall include in its annual budget request to the governor the necessary funding needed to complete the four-year plan developed under this subdivision.

2. Additional benefit payments for medical assistance shall be made on behalf of those eligible needy children, pregnant women and blind persons with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Dental services;



(2) Services of podiatrists as defined in section 330.010;  
(3) Optometric services as defined in section 336.010;  
(4) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids, and wheelchairs;  
(5) Hospice care. As used in this subdivision, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(6) Comprehensive day rehabilitation services beginning early posttrauma as part of a coordinated system of care for individuals with disabling impairments. Rehabilitation services must be based on an individualized, goal-oriented, comprehensive and coordinated treatment plan developed, implemented, and monitored through an interdisciplinary assessment designed to restore an individual to optimal level of physical, cognitive, and behavioral function. The MO HealthNet division shall establish by administrative rule the definition and criteria for designation of a comprehensive day rehabilitation service facility, benefit limitations and payment mechanism. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subdivision shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

3. The MO HealthNet division may require any participant receiving MO HealthNet benefits to pay part of the charge or cost until July 1, 2008, and an additional payment after July 1, 2008, as defined by rule duly promulgated by the MO HealthNet division, for all covered services except for those services covered under subdivisions (14) and (15) of subsection 1 of this section and sections 208.631 to 208.657 to the extent and in the manner authorized by Title XIX of the federal Social Security Act (42 U.S.C. Section 1396, et seq.) and regulations thereunder. When substitution of a generic drug is permitted by the prescriber according to section 338.056, and a generic drug is substituted for a name-brand drug, the MO HealthNet division may not lower or delete the requirement to make a co-payment pursuant to regulations of Title XIX of the federal Social Security Act. A provider of goods or services described under this section must collect from all participants the additional payment that may be required by the MO HealthNet division under authority granted herein, if the division exercises that authority, to remain eligible as a provider. Any payments made by participants under this section shall be in addition to and not in lieu of payments made by the state for goods or services described herein except the participant portion of the pharmacy professional dispensing fee shall be in addition to and not in lieu of payments to pharmacists. A provider may collect the co-payment at the time a service is provided or at a later date. A provider shall not refuse to provide a service if a participant is unable to pay a required payment. If it is the routine business practice of a provider to terminate future services to an individual with an unclaimed debt, the provider may include uncollected co-payments under this practice. Providers who elect not to undertake the provision of services based on a history of bad debt shall give participants advance notice and a reasonable opportunity for payment. A provider, representative, employee, independent contractor, or agent of a pharmaceutical manufacturer shall not make co-payment for a participant. This subsection shall not apply to other qualified children, pregnant women, or blind persons. If the Centers for Medicare and Medicaid Services does not approve the [Missouri] MO HealthNet state plan amendment submitted by the department of social services that would allow a provider to deny future services to an individual with uncollected co-payments, the denial of services shall not be allowed. The department of social services shall inform providers regarding the acceptability of denying services as the result of unpaid co-payments.

4. The MO HealthNet division shall have the right to collect medication samples from participants in order to maintain program integrity.

5. Reimbursement for obstetrical and pediatric services under subdivision (6) of subsection 1 of this section shall be timely and sufficient to enlist enough health care providers so that care and services are available under the state plan for MO HealthNet benefits at least to the extent that such care and services are available to the general population in the geographic area, as required under subparagraph (a)(30)(A) of 42 U.S.C. Section 1396a and federal regulations promulgated thereunder.

6. Beginning July 1, 1990, reimbursement for services rendered in federally funded health centers shall be in accordance with the provisions of subsection 6402(c) and Section 6404 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) and federal regulations promulgated thereunder.

7. Beginning July 1, 1990, the department of social services shall provide notification and referral of children below age five, and pregnant, breast-feeding, or postpartum women who are determined to be eligible for MO HealthNet benefits under section 208.151 to the special supplemental food programs for women, infants and children administered by the department of health and senior services. Such notification and referral shall conform to the requirements of Section 6406 of P.L. 101-239 and regulations promulgated thereunder.

8. Providers of long-term care services shall be reimbursed for their costs in accordance with the provisions of Section 1902 (a)(13)(A) of the Social Security Act, 42 U.S.C. Section 1396a, as amended, and regulations promulgated thereunder.

9. Reimbursement rates to long-term care providers with respect to a total change in ownership, at arm's length, for any facility previously licensed and certified for participation in the MO HealthNet program shall not increase payments in excess of the increase that would result from the application of Section 1902 (a)(13)(C) of the Social Security Act, 42 U.S.C. Section 1396a (a)(13)(C).

10. The MO HealthNet division, may enroll qualified residential care facilities and assisted living facilities, as defined in chapter 198, as MO HealthNet personal care providers.

11. Any income earned by individuals eligible for certified extended employment at a sheltered workshop under chapter 178 shall not be considered as income for purposes of determining eligibility under this section.

**12. If Missouri Medicaid Audit and Compliance changes any interpretation or application of the requirements for reimbursement for MO HealthNet services from the interpretation or application that has been applied previously by the state in any audit of a MO HealthNet provider, Missouri Medicaid Audit and Compliance shall notify all affected MO HealthNet providers five business days before such change shall take effect. Failure of Missouri Medicaid Audit and Compliance to notify a provider of such change shall entitle the provider to continue to receive and retain reimbursement until such notification is provided and shall waive any liability of such provider for recoupment or other loss of any payments previously made prior to the five business days after such notice has been sent. Each provider shall provide Missouri Medicaid Audit and Compliance a valid email address and shall agree to receive communications electronically. The notification required under this section shall be delivered in writing by the United States Postal Service or electronic mail to each provider.**

**13. Nothing in this section shall be construed to abrogate or limit the department's statutory requirement to promulgate rules under chapter 536.**

**14. The MO HealthNet division shall provide an additional reimbursement to ambulance service providers who divert MO HealthNet recipients who do not require emergency treatment from emergency departments to urgent care or other primary care facilities. The department of social services shall have the authority to promulgate rules and regulations limiting the circumstances in which an emergency medical technician may divert a MO HealthNet recipient from an emergency department under the provisions of this subsection.";** 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.

On motion of Representative Haefner, **HCS HB 796, as amended**, was adopted.

On motion of Representative Haefner, **HCS HB 796, as amended**, was ordered perfected and printed.

**HB 996**, relating to tax credits for certain contributions, was taken up by Representative Hoskins.

On motion of Representative Hoskins, **HB 996** was ordered perfected and printed.

### **SIGNING OF HOUSE BILL**

All other business of the House was suspended while **SS HB 384** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **SS HB 384** was delivered to the Governor by the Chief Clerk of the House.

### **PERFECTION OF HOUSE BILLS**

**HCS HB 1134**, relating to state employee health care incentives, was taken up by Representative Bernskoetter.

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

#### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1134, Page 1, Section 104.403, Lines 9-16, by deleting all of said lines and inserting in lieu thereof the following:

"whichever occurs first; and

(3) After five years or upon becoming eligible for Medicare, the cost for medical"; and

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

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

On motion of Representative Bernskoetter, **HCS HB 1134, as amended**, was adopted.

On motion of Representative Bernskoetter, **HCS HB 1134, as amended**, was ordered perfected and printed.

**HB 1305**, relating to the Regulatory Improvement Commission, was taken up by Representative Rowden.

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

#### *House Amendment No. 1*

AMEND House Bill No. 1305, Page 1, Section A, Line 2, by inserting immediately after said line the following:

**"620.3150. Notwithstanding any other provision of law, any comprehensive state energy plan developed by the division of energy shall be adopted and implemented only upon the approval of such plan by the general assembly by concurrent resolution."**; and

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

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

On motion of Representative Rowden, **HB 1305, as amended**, was ordered perfected and printed.

**HCS HB 129**, relating to inmate charges for medical treatment at correctional facilities, was taken up by Representative Brattin.

Representative Eggleston moved the previous question.

Which motion was adopted by the following vote:

AYES: 108

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

NOES: 038

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

PRESENT: 000

ABSENT WITH LEAVE: 016

Arthur	Brown 57	Flanigan	Hough	Hummel
Jones	Kelley	Lair	Lauer	Marshall
May	McCaherty	McCann Beatty	McDonald	Neely
Pace				

VACANCIES: 001

On motion of Representative Brattin, **HCS HB 129** was adopted.

On motion of Representative Brattin, **HCS HB 129** was ordered perfected and printed.

**HCS HB 752**, relating to public employee retirement plan benefits, was taken up by Representative Dugger.

On motion of Representative Dugger, **HCS HB 752** was adopted.

On motion of Representative Dugger, **HCS HB 752** was ordered perfected and printed.

**HCS HB 444**, relating to an income tax deduction for volunteer firefighters, was taken up by Representative English.

On motion of Representative English, **HCS HB 444** was adopted.

On motion of Representative English, **HCS HB 444** was ordered perfected and printed.

**HCS HB 672**, relating to MO HealthNet reimbursement for behavior assessment and intervention, was taken up by Representative Frederick.

On motion of Representative Frederick, **HCS HB 672** was adopted.

On motion of Representative Frederick, **HCS HB 672** was ordered perfected and printed.

**HCS HB 692**, relating to political party committee elections, was taken up by Representative Entlicher.

Speaker Pro Tem Hoskins assumed the Chair.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 692, Page 3, Section 115.609, Lines 1-6, by deleting all of said lines and inserting in lieu thereof the following:

"115.609. In each city not situated in a county and in each county which has over nine hundred thousand inhabitants, all members of the county **or city** committee shall be elected at the primary election immediately preceding each gubernatorial election and shall hold office until their successors are elected and qualified. In each other county, all members of the county committee shall be elected at each primary election and shall hold office until their successors are elected and qualified."; and

Further amend said bill, Page 3, Section 115.611, Lines 9-18, by deleting all of said lines and inserting in lieu thereof the following:

"forwarded to the treasurer of such candidate's party's committee, a [certain sum of money, as follows:

(1) **filing fee not to exceed** one hundred dollars, **as determined by the respective political party**, if such candidate is a candidate for:

(1) County committeeman or committeewoman in any county which has or hereafter has over nine hundred thousand inhabitants [or];

(2) **City committeeman or committeewoman** in any city not situated in a county; or

[(2) Twenty-five dollars if such candidate is a candidate for]

(3) County committeeman or committeewoman in any county of the first class containing the major portion of a city which has over three hundred thousand inhabitants[;

(3) Except as provided in subdivisions (1) and (2) of this subsection, no candidate]. **Candidates** for county committeeman or committeewoman [shall] **in any other county may** be required to pay a filing fee **not to exceed one hundred dollars as determined by the respective political party.**"; and

Further amend said bill, Page 5, Section 115.619, Line 12, by deleting all of said line and inserting in lieu thereof the following:

**"(2) A person may serve on any committee for which such person is entitled to serve under this section, but shall only be elected chair or vice chair of a legislative district ";** and

Further amend said section, Page 6, Line 45, by deleting all of said line and inserting in lieu thereof the following:

**"(1) Parts of one or more counties;"**; and

Further amend said page and section, Line 52, by inserting after the word, "**district**" the words, "**in whole or in part**"; and

Further amend said page and section, Lines 61-63, by deleting all of said lines and inserting in lieu thereof the following:

**"5. Any person serving on a congressional, senatorial, or judicial district committee as a committeeman or committeewoman of a city committee or a committee of a county which has over nine hundred thousand inhabitants shall only serve as chair or vice chair of such committee if a majority of the votes which elected that person as chair or vice chair came from persons who are also serving on the congressional, senatorial, or judicial district committee as a committeeman or committeewoman of a city committee or a committee of a county which has over nine hundred thousand inhabitants."**; and

Further amend said bill, Pages 6-8, Section 115.621, Lines 1-58, by deleting all of said section and lines and inserting in lieu thereof the following:

**"115.620. Provisions for proxy voting for district committees organized under section 115.621 may be made by a political party. In the event that such provisions are not made, proxy voting shall only be allowed for legislative, congressional, senatorial, and judicial district committee meetings. In any event, persons may only serve as a proxy voter if such person is legally permitted to vote in the district, of which the proxy is from.**

115.621. 1. Notwithstanding any other provision of this section to the contrary, any legislative, senatorial, or judicial district committee that is wholly contained within a county or a city not within a county may choose to meet on the same day as the respective county or city committee. All other committees shall meet as otherwise prescribed in this section.

2. The members of each county committee shall meet at the county seat not earlier than two weeks after each primary election but in no event later than the third Saturday after each primary election, at the discretion of the chairman at the committee. In each city not within a county, the city committee shall meet on the same day at the city hall. In all counties of the first, second, and third classification, the county courthouse shall be made available for such meetings and any other county political party meeting at no charge to the party committees. In all cities not within a county, the city hall shall be made available for such meetings and any other city political party meeting at no charge to the party committees. At the meeting, each committee shall organize by electing two of its members, a man and a woman, as chair and vice chair, a man and a woman who may or may not be members of the committee as secretary and treasurer.

3. The members of each congressional district committee shall meet at some place **and time** within the district, to be designated by the current chair of the committee, [on the last Tuesday in August] **not earlier than five weeks** after each primary election **but in no event later than the sixth Saturday after each primary election**. The county courthouse in counties of the first, second and third classification in which the meeting is to take place, as designated by the chair, shall be made available for such meeting and any other congressional district political party committee meeting at no charge to the committee. At the meeting, the committee shall organize by electing one of its members as chair and one of its members as vice chair, one of whom shall be a woman and one of whom shall be a man, and a secretary and a treasurer, one of whom shall be a woman and one of whom shall be a man, who may or may not be members of the committee.

[2.] 4. The members of each legislative district committee shall meet at some place **and date** within the legislative district or within one of the counties in which the legislative district exists, to be designated by the current chair of the committee, [on the third Wednesday] **not earlier than three weeks** after each [August] primary election **but in no event later than the fourth Saturday after each primary election**. The county courthouse in counties of the first, second and third classification in which the meeting is to take place, as designated by the chair, shall be made available for such meeting and any other legislative district political party committee meeting at no charge to the committee. At the meeting, the committee shall organize [pursuant to subsection 1 of section 115.619] **by electing two of its members, a man and a woman, as chair and vice chair, and a man and a woman who may or may not be members of the committee as secretary and treasurer**.

[3.] 5. The members of each senatorial district committee shall meet at some place **and date** within the district, to be designated by the current chair of the committee, if there is one, and if not, by the chair of the congressional district in which the senatorial district is principally located, [on the third Saturday] **not earlier than four week** after each [August] primary election **but in no event later than the fifth Saturday after each primary election**. The county courthouse in counties of the first, second and third classification in which the meeting is to take place, as so designated pursuant to this subsection, shall be made available for such meeting and any other senatorial district political party committee meeting at no charge to the committee. At the meeting, the committee shall organize by electing one of its members as chair and one of its members as vice chair, one of whom shall be a woman and one of whom shall be a man, and a secretary and a treasurer, one of whom shall be a woman and one of whom shall be a man, who may or may not be members of the committee.

6. The members of each senatorial district shall also meet at some place within the district, to be designated by the current chair of the committee, if there is one, and if not, by the chair of the congressional district in which the senatorial district is principally located, on the Saturday after [the third Tuesday in November after] each general election. At the meeting, the committee shall proceed to elect two registered voters of the district, one man and one woman, as members of the party's state committee.

[4.] 7. The members of each judicial district may meet at some place **and date** within the judicial district or within one of the counties in which the judicial district exists, to be designated by the current chair of the committee or the chair of the congressional district committee, [on the first Tuesday in September] **not earlier than six weeks** after each primary election[, or at another time designated by the chairmen of the committees] **but in no event later than the seventh Saturday after each primary election**. The county courthouse in counties of the first, second and third classification in which the meeting is to take place, as so designated pursuant to this subsection, shall be made available for such meeting and any other judicial district political party committee meeting at no charge to the committee. At the meeting, the committee shall organize [pursuant to subsection 1 of section 115.619] **by electing two of its members, a man and a woman, as chair and vice chair, and a man and a woman who may or may not be members of the committee as secretary and treasurer.**"; and

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

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

On motion of Representative Entlicher, **HCS HB 692, as amended**, was adopted.

On motion of Representative Entlicher, **HCS HB 692, as amended**, was ordered perfected and printed.

**HCS HB 734**, relating to child protection, was taken up by Representative Haefner.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 734, Page 8, Section 210.142, Line 40, by inserting immediately after said line the following:

"5. Notwithstanding any other provision of law to the contrary, the photographs, audio recordings, reports, or any other records created or in the possession of a child advocacy center as defined in section 135.341 or any member of a multidisciplinary investigation team as defined in section 210.110, shall be subject to the provisions of supreme court rule 25.03. The child advocacy center or multidisciplinary investigation team shall disclose such materials to any prosecuting attorney who has filed a criminal charge. Such prosecuting attorney may request that the trial court in which the criminal case is pending grant a protective order regarding the material disclosed under this section, if he or she feels such request is appropriate."; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 734, Page 1, Section A, Line 3, by inserting after all of said line the following:

"37.719. 1. The office shall have the authority to and may conduct an independent review of any entity within a county that has experienced three or more review requests in a calendar year including, but not limited to, children's division, the juvenile office, or guardian ad litem. The office shall establish and implement procedures for reviewing any such entity.

2. The office shall have the authority to make the necessary inquiries and review relevant information and records as the office deems necessary in order to conduct such reviews.

3. The office may make recommendations on changes to any entity's policies and procedures based on the results of the review in order to improve the delivery of services or the function of the entity. Upon completing a review under the provisions of this section, the office shall submit any findings and recommendations to the children's division and the office of state courts administrator."; and

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

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

On motion of Representative Haefner, **HCS HB 734, as amended**, was adopted.

On motion of Representative Haefner, **HCS HB 734, as amended**, was ordered perfected and printed.

**HCS HB 759**, relating to sales tax refund claims, was taken up by Representative Koenig.

On motion of Representative Koenig, **HCS HB 759** was adopted.

On motion of Representative Koenig, **HCS HB 759** was ordered perfected and printed.



**HCS HB 868**, relating to regional emergency medical services, was taken up by Representative Rhoads.

On motion of Representative Rhoads, **HCS HB 868** was adopted.

On motion of Representative Rhoads, **HCS HB 868** was ordered perfected and printed.

**HCS HB 994**, relating to audits of political subdivisions, was taken up by Representative Bondon.

On motion of Representative Bondon, **HCS HB 994** was adopted.

On motion of Representative Bondon, **HCS HB 994** was ordered perfected and printed.

**HB 473**, relating to county municipal courts, was taken up by Representative Higdon.

Representative Fitzwater (49) offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Bill No. 473, Page 1, In the Title, Lines 2 and 3, by deleting the words, "county municipal"; and

Further amend said bill, Page 2, Section 67.320, Line 31, by inserting after all of said line the following:

"476.083. 1. In addition to any appointments made pursuant to section 485.010, the presiding judge of each circuit containing one or more facilities operated by the department of corrections with an average total inmate population in all such facilities in the circuit over the previous two years of more than two thousand five hundred inmates **or containing, as of January 1, 2015, a diagnostic and reception center operated by the department of corrections and a mental health facility operated by the department of mental health which houses persons found not guilty of a crime by reason of mental disease or defect under chapter 552 and provides sex offender rehabilitation and treatment services (SORTS)** may appoint a circuit court marshal to aid the presiding judge in the administration of the judicial business of the circuit by overseeing the physical security of the courthouse, serving court-generated papers and orders, and assisting the judges of the circuit as the presiding judge determines appropriate. Such circuit court marshal appointed pursuant to the provisions of this section shall serve at the pleasure of the presiding judge. The circuit court marshal authorized by this section is in addition to staff support from the circuit clerks, deputy circuit clerks, division clerks, municipal clerks, and any other staff personnel which may otherwise be provided by law.

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

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

- (1) Serve process;
- (2) Wear a concealable firearm; and
- (3) Make an arrest based upon local court rules and state law, and as directed by the presiding judge of the circuit."; and

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

On motion of Representative Fitzwater (49), **House Amendment No. 1** was adopted.

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

*House Amendment No. 2*

AMEND House Bill No. 473, Page 1, In the Title, Lines 2-3, by deleting the words "county municipal"; and

Further amend said bill, Section 67.320, Page 2, Line 31, by inserting immediately after said section and line the following:

**"479.155. 1. By September 1, 2015, the presiding judge of the circuit court in which the municipal division is located shall report to the clerk of the supreme court the name and address of the municipal division and any other information regarding the municipal division requested by the clerk of the supreme court on a standardized form developed by the clerk of the supreme court.**

**2. If a municipality elects to abolish or establish a municipal division, the presiding judge of the circuit court in which the municipal division is located shall notify the clerk of the supreme court, and the presiding judge of any new municipal division shall complete the report required under subsection 1 of this section within ninety days of the establishment of the division.";** and

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

Representative LaFaver raised a point of order that **House Amendment No. 2** amends previously amended material.

The Chair ruled the point of order not well taken.

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

On motion of Representative Higdon, **HB 473, as amended**, was ordered perfected and printed.

**HB 743**, relating to tax credits for guaranty fees, was taken up by Representative Shull.

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

*House Amendment No. 1*

AMEND House Bill No. 743, Page 1, In the Title, Lines 2-3, by deleting the phrase "tax credits for"; and

Further amend said bill and page, Section 135.766, Line 12, by inserting immediately after the word "**issued**" the words "**on or**"; and

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

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

On motion of Representative Shull, **HB 743, as amended**, was ordered perfected and printed.

**HB 787, with House Committee Amendment No. 1**, relating to service dogs, was taken up by Representative Sommer.

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

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

*House Amendment No. 1*

AMEND House Bill No. 787, Page 3, Section 209.200, Line 36, by inserting immediately after all of said section and line the following:

"209.202. 1. Any person who knowingly, intentionally, or recklessly causes substantial physical injury to or the death of a service dog is guilty of a class A misdemeanor. The provisions of this subsection shall not apply to the destruction of a service dog for humane purposes.

2. Any person who knowingly or intentionally fails to exercise sufficient control over an animal such person owns, keeps, harbors, or exercises control over to prevent the animal from causing the substantial physical injury to or death of a service dog, or the subsequent inability to function as a service dog as a result of the animal's attacking, chasing, or harassing the service dog is guilty of a class A misdemeanor.

3. Any person who harasses or chases a dog known to such person to be a service dog is guilty of a class B misdemeanor.

4. Any person who owns, keeps, harbors, or exercises control over an animal and who knowingly or intentionally fails to exercise sufficient control over the animal to prevent such animal from chasing or harassing a service dog while such dog is carrying out the dog's function as a service dog, to the extent that the animal temporarily interferes with the service dog's ability to carry out the dog's function is guilty of a class B misdemeanor **and shall be ordered to pay restitution in an amount that fully compensates the owner for the injury, loss, or replacement of his or her service dog.**

5. An owner of a service dog or a person with a disability who uses a service dog may file a cause of action to recover civil damages against any person who:

- (1) Violates the provisions of subsection 1 or 2 of this section; or
- (2) Steals a service dog resulting in the loss of the services of the service dog.

6. Any civil damages awarded under subsection 5 of this section shall be based on the following:

(1) The replacement value of an equally trained service dog, without any differentiation for the age or experience of the service dog;

(2) The cost and expenses incurred by the owner of a service dog or the person with a disability who used the service dog, including:

- (a) The cost of temporary replacement services, whether provided by another service dog or by a person;
- (b) The reasonable costs incurred in efforts to recover a stolen service dog; and
- (c) Court costs and attorney's fees incurred in bringing a civil action under subsection 5 of this section.

7. An owner of a service dog or a person with a disability who uses a service dog may file a cause of action to recover civil damages against a person who:

(1) Violates the provisions of subsections 1 to 4 of this section resulting in injury from which the service dog recovers to an extent that the dog is able to function as a service dog for the person with a disability; or

(2) Steals a service dog and the service dog is recovered resulting in the service dog being able to function as a service dog for the person with a disability.

8. Any civil damages awarded under subsection 7 of this section shall be based on the following:

- (1) Veterinary medical expenses;
- (2) Retraining expenses;
- (3) The cost of temporary replacement services, whether provided by another service dog or by a person;
- (4) Reasonable costs incurred in the recovery of the service dog; and
- (5) Court costs and attorney's fees incurred in bringing the civil action under subsection 7 of this section.

9. The provisions of this section shall not apply if a person with a disability, an owner, or a person having custody or supervision of a service dog commits criminal or civil trespass.

10. Nothing in this section shall be construed to preclude any other remedies available at law."; and

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

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

On motion of Representative Sommer, **HB 787, as amended**, was ordered perfected and printed.

**HCS HB 121**, relating to brew-on-premises licenses, was taken up by Representative Gosen.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 121, Page 3, Section 311.910, Lines 84-86, by deleting all of said lines and inserting in lieu thereof the following:

**"hundred gallons. Excise taxes shall be paid by the licensed manufacturer that holds a retail license organizing the event in the same manner as if it were produced or purchased by the manufacturer. A permit issued under this section by the division shall be valid"; and**

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 121, Page 1, Section A, Line 2, by inserting after all of said line the following:

**"311.067. 1. Notwithstanding any other provisions of law or rule to the contrary, any advertising provided or paid for by any retailer offering any sale or price discount for any intoxicating liquor sold or provided at retail in the original package for consumption off the premises is hereby permitted so long as the retailer is responsible for assuming the cost of the sale or price discount and no advertised retail price is below the retailer's cost.**

**2. The supervisor of the division of alcohol and tobacco control within the Missouri department of public safety may consider the implications of the First and Twenty First Amendments of the Constitution of the United States and any other constitutional requirements if deciding whether to promulgate any new regulations not specifically required by general law and if considering the repeal or modification of existing regulations as allowed by general law."; and**

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

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 121, Page 1, Section 311.910, Lines 3 and 4, by deleting the following on said lines "**beer and malt beverages**" and inserting in lieu thereof the following:

**"beer, malt beverages, cider, mead, or wine";** and

Further amend said page and section, Line 6, by deleting the following on said lines "**beer or malt beverages**" and inserting in lieu thereof the following:

**"beer, malt beverages, cider, mead, or wine";** and

Further amend said page and section, Lines 10 and 11, by deleting the following on said lines "**beer and malt beverages**" and inserting in lieu thereof the following:

**"beer, malt beverages, cider, mead, or wine";** and

Further amend said section, Page 2, Line 18, by deleting the following on said lines "**beer or malt beverages**" and inserting in lieu thereof the following:

**"beer, malt beverages, cider, mead, or wine";** and

Further amend said page and section, Line 23, by deleting the following on said lines "**beer or malt beverages**" and inserting in lieu thereof the following:

**"beer, malt beverages, cider, mead, or wine";** and

Further amend said page and section, Line 25, by deleting the following on said lines "**beer or malt beverages**" and inserting in lieu thereof the following:

**"beer, malt beverages, cider, mead, or wine";** and

Further amend said page and section, Line 30, by deleting the following on said lines "**beer and malt beverages**" and inserting in lieu thereof the following:

**"beer, malt beverages, cider, mead, or wine";** and

Further amend said page and section, Line 32, by deleting the following on said lines "**beer and malt beverages**" and inserting in lieu thereof the following:

**"beer, malt beverages, cider, mead, or wine";** and

Further amend said page and section, Line 35, by deleting the following on said lines "**beer and malt beverages**" and inserting in lieu thereof the following:

**"beer, malt beverages, cider, mead, or wine";** and

Further amend said page and section, Line 39, by deleting the following on said lines "**beer and malt beverages**" and inserting in lieu thereof the following:

**"beer, malt beverages, cider, mead, and wine";** and

Further amend said page and section, Line 43, by deleting the following on said lines "**beer and malt beverages**" and inserting in lieu thereof the following:

**"beer, malt beverages, cider, mead, and wine";** and

Further amend said page and section, Line 47, by deleting the following on said lines "**beer and malt beverages**" and inserting in lieu thereof the following:

**"beer, malt beverages, cider, mead, and wine";** and

Further amend said page and section, Line 50, by deleting the following on said lines "**beer and malt beverages**" and inserting in lieu thereof the following:

**"beer, malt beverages, cider, mead, or wine";** and

Further amend said page and section, Line 51, by deleting the following on said lines "**beer and malt beverages**" and inserting in lieu thereof the following:

**"beer, malt beverages, cider, mead, or wine";** and

Further amend said section, Pages 2 and 3, Lines 52 and 53, by deleting the following on said lines "**beer and malt beverages produced. Beer and malt beverages** " and inserting in lieu thereof the following:

**"beer, malt beverages, cider, mead, or wine produced. Beer, malt beverages, cider, mead, or wine";**  
and

Further amend said page and section, Line 55, by deleting the following on said lines "**beer or malt beverages**" and inserting in lieu thereof the following:

**"beer, malt beverages, cider, mead, or wine";** and

Further amend said page and section, Line 57, by deleting the following on said lines "**beer and malt beverages**" and inserting in lieu thereof the following:

**"beer, malt beverages, cider, mead, or wine";** and

Further amend said page and section, Lines 64 and 65, by deleting the following on said lines "**beer or malt beverages**" and inserting in lieu thereof the following:

**"beer, malt beverages, cider, mead, or wine";** and

Further amend said page and section, Line 66, by deleting the following on said lines "**beer or malt beverages**" and inserting in lieu thereof the following:

**"beer, malt beverages, cider, mead, or wine";** and

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

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

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

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 121, Page 1, Section 3112.910, Line 12, by inserting after the phrase "**license if**" on said line the word "**it**"; and

Further amend said section, Page 3, Line 66, by deleting the phrase "**Transportation of brewed**" and inserting in lieu thereof the phrase "**Brewed**"; and

Further amend said section, Page 3, Line 84, by deleting the phrase "licenses" and inserting in lieu thereof the phrase "**licensed**"; and

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

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

On motion of Representative Gosen, **HCS HB 121, as amended**, was adopted.

On motion of Representative Gosen, **HCS HB 121, as amended**, was ordered perfected and printed.

**HB 218**, relating to sheriffs, was taken up by Representative Wilson.

Representative Conway (104) offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Bill No. 218, Page 1, Section 57.111, Line 5, by inserting after the word "**employed**" the following:

**", other than a county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants,"**; and

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

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

On motion of Representative Wilson, **HB 218** was ordered perfected and printed.

**THIRD READING OF HOUSE CONCURRENT RESOLUTIONS**

**HCR 39**, relating to the 2015 Dietary Guidelines Advisory Committee, was taken up by Representative Houghton.

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

*House Amendment No. 1*

AMEND House Concurrent Resolution No. 39, Page 2, Line 44, by deleting the word "health" and inserting in lieu thereof the word "healthy"; and

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

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

On motion of Representative Houghton, **HCR 39, as amended**, was read the third time and passed by the following vote:

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AYES: 125

Adams	Alferman	Anderson	Andrews	Arthur
Austin	Bahr	Barnes	Basye	Bernskoetter
Berry	Black	Bondon	Brattin	Brown 94
Burlison	Burns	Chipman	Cierpiot	Conway 10
Conway 104	Cookson	Corlew	Cornejo	Crawford
Cross	Curtis	Curtman	Davis	Dogan
Dohrman	Dugger	Eggleston	English	Entlicher
Fitzpatrick	Fitzwater 144	Fitzwater 49	Flanigan	Fraker
Franklin	Frederick	Gannon	Gosen	Green
Haahr	Haefner	Hansen	Harris	Hicks
Higdon	Hill	Hinson	Hoskins	Hough
Houghton	Hubbard	Hubrecht	Hurst	Johnson
Jones	Justus	Keeney	Kelley	Kendrick
Kidd	King	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mathews	McCreery	McDaniel	McGaugh	Messenger
Miller	Moon	Morris	Muntzel	Nichols
Otto	Pfausch	Phillips	Pierson	Pietzman
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Richardson	Roden	Roeber	Rone
Ross	Rowden	Rowland	Runions	Ruth
Shaul	Shull	Shumake	Solon	Sommer
Spencer	Swan	Taylor	Vescovo	Walker
White	Wiemann	Wilson	Wood	Zerr

NOES: 021

Anders	Carpenter	Colona	Dunn	Gardner
Kirkton	Lavender	McCann Beatty	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Norr	Peters	Rizzo	Smith
Walton Gray				

PRESENT: 000

ABSENT WITH LEAVE: 016

Allen	Beard	Brown 57	Butler	Ellington
Engler	Hummel	May	McCaherty	McDonald
Neely	Pace	Parkinson	Rhoads	Webber
Mr. Speaker				

VACANCIES: 001

Speaker Pro Tem Hoskins declared the bill passed.

**HCS HCR 49**, relating to eggs, was taken up by Representative Alferman.

Representative Richardson moved the previous question.

Which motion was adopted by the following vote:



AYES: 106

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

NOES: 038

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

PRESENT: 000

ABSENT WITH LEAVE: 018

Barnes	Beard	Brown 57	Engler	Flanigan
Hinson	Hough	Hummel	Jones	May
McCaherty	McDonald	McManus	Neely	Pace
Rhoads	Webber	Mr. Speaker		

VACANCIES: 001

On motion of Representative Alferman, **HCS HCR 49** was adopted.

On motion of Representative Alferman, **HCS HCR 49** was read the third time and passed by the following vote:

AYES: 117

Alferman	Allen	Anderson	Andrews	Arthur
Austin	Bahr	Barnes	Basye	Bernskoetter
Berry	Black	Bondon	Brattin	Brown 94
Burlison	Butler	Chipman	Cierpiot	Conway 104
Cookson	Corlew	Cornejo	Crawford	Cross
Curtis	Curtman	Davis	Dogan	Dohrman
Dugger	Eggleston	English	Entlicher	Fitzpatrick
Fitzwater 144	Fitzwater 49	Fraker	Franklin	Frederick
Gannon	Gosen	Green	Haahr	Haefner
Hansen	Harris	Hicks	Higdon	Hill
Hoskins	Houghton	Hubrecht	Hurst	Johnson
Jones	Justus	Keeney	Kelley	Kendrick
Kidd	King	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	Mathews	McCreery
McDaniel	McGaugh	Messenger	Miller	Moon
Morris	Muntzel	Parkinson	Pfautsch	Phillips
Pierson	Pietzman	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Richardson	Rizzo
Roden	Roeber	Rone	Ross	Rowden
Rowland	Ruth	Shaul	Shull	Shumake
Solon	Sommer	Spencer	Swan	Taylor
Vescovo	Walker	White	Wiemann	Wilson
Wood	Zerr			

NOES: 029

Adams	Anders	Burns	Carpenter	Colona
Conway 10	Dunn	Ellington	Gardner	Hubbard
Kirkton	Kratky	LaFaver	Lavender	McCann Beatty
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Peters	Runions	Smith	Walton Gray	

PRESENT: 000

ABSENT WITH LEAVE: 016

Beard	Brown 57	Engler	Flanigan	Hinson
Hough	Hummel	May	McCaherty	McDonald
McManus	Neely	Pace	Rhoads	Webber
Mr. Speaker				

VACANCIES: 001

Speaker Pro Tem Hoskins declared the bill passed.

### HOUSE RESOLUTIONS

**HR 910**, relating to regulations of the Department of Veterans Affairs (VA) for the Aid and Attendance Pension Program, was taken up by Representative Hill.

On motion of Representative Hill, **HR 910** was adopted.

## **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HCS HB 377** - Fiscal Review  
**HCS HBs 405 & 381** - Fiscal Review  
**HCS HB 444** - Fiscal Review  
**HCS HB 759** - Fiscal Review  
**HB 776** - Fiscal Review  
**HB 918** - Fiscal Review  
**HB 128** - Emerging Issues  
**HB 131** - Children and Families  
**HB 161** - Public Safety and Emergency Preparedness  
**HB 182** - Civil and Criminal Proceedings  
**HB 215** - Emerging Issues  
**HB 216** - Emerging Issues  
**HB 264** - Emerging Issues  
**HB 265** - Health Insurance  
**HB 280** - Civil and Criminal Proceedings  
**HB 281** - Civil and Criminal Proceedings  
**HB 282** - Health Insurance  
**HB 284** - Health Insurance  
**HB 287** - Elections  
**HB 291** - Civil and Criminal Proceedings  
**HB 293** - Civil and Criminal Proceedings  
**HB 386** - Health and Mental Health Policy  
**HB 446** - Ways and Means  
**HB 448** - Elementary and Secondary Education  
**HB 450** - Public Safety and Emergency Preparedness  
**HB 455** - Transportation  
**HB 480** - Health Insurance  
**HB 532** - Elementary and Secondary Education  
**HB 541** - Transportation  
**HB 542** - Economic Development and Business Attraction and Retention  
**HB 551** - Health and Mental Health Policy  
**HB 688** - Higher Education  
**HB 708** - Corrections  
**HB 763** - Conservation and Natural Resources  
**HB 891** - Health Insurance  
**HB 938** - Civil and Criminal Proceedings  
**HB 1304** - Energy and the Environment

## **REFERRAL OF SENATE BILLS**

The following Senate Bill was referred to the Committee indicated:

**SS SCS SBs 63 & 111** - Health Insurance

## COMMITTEE REPORTS

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

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **HB 1264**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(2) be referred to the Select Committee on Agriculture.

#### *House Committee Amendment No. 1*

AMEND House Bill No. 1264, Page 2, Section 578.622, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"578.622. 1. Sections 578.600 to 578.624 shall not apply to a circus, the"; and

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

**"2. For a mini circus exhibit or display within the state, the department shall not charge any fees in excess of ten dollars per exhibit or display."**; and

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

### **Committee on Civil and Criminal Proceedings**, Chairman Cornejo reporting:

Mr. Speaker: Your Committee on Civil and Criminal Proceedings, to which was referred **SS SCS SB 5**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(9) be referred to the Select Committee on Judiciary.

#### *House Committee Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Pages 1-5, Section 302.341, Lines 1-156, by deleting all of said section and inserting in lieu thereof the following:

"479.020. 1. Any city, town or village, including those operating under a constitutional or special charter, may, and cities with a population of four hundred thousand or more shall, provide by ordinance or charter for the selection, tenure and compensation of a municipal judge or judges consistent with the provisions of this chapter who shall have original jurisdiction to hear and determine all violations against the ordinances of the municipality. The method of selection of municipal judges shall be provided by charter or ordinance. Each municipal judge shall be selected for a term of not less than two years as provided by charter or ordinance.

2. Except where prohibited by charter or ordinance, the municipal judge may be a part-time judge and may serve as municipal judge in more than one municipality.

3. No person shall serve as a municipal judge of any municipality with a population of seven thousand five hundred or more or of any municipality in a county of the first class with a charter form of government unless the person is licensed to practice law in this state unless, prior to January 2, 1979, such person has served as municipal judge of that same municipality for at least two years.

4. Notwithstanding any other statute, a municipal judge need not be a resident of the municipality or of the circuit in which the municipal judge serves except where ordinance or charter provides otherwise. Municipal judges shall be residents of Missouri.

5. Judges selected under the provisions of this section shall be municipal judges of the circuit court and shall be divisions of the circuit court of the circuit in which the municipality, or major geographical portion thereof, is located. The judges of these municipal divisions shall be subject to the rules of the circuit court which are not

inconsistent with the rules of the supreme court. The presiding judge of the circuit shall have general administrative authority over the judges and court personnel of the municipal divisions within the circuit.

6. No municipal judge shall hold any other office in the municipality which the municipal judge serves as judge. The compensation of any municipal judge and other court personnel shall not be dependent in any way upon the number of cases tried, the number of guilty verdicts reached or the amount of fines imposed or collected.

7. Municipal judges shall be at least twenty-one years of age. No person shall serve as municipal judge after that person has reached that person's seventy-fifth birthday.

8. Within six months after selection for the position, each municipal judge who is not licensed to practice law in this state shall satisfactorily complete the course of instruction for municipal judges prescribed by the supreme court. The state courts administrator shall certify to the supreme court the names of those judges who satisfactorily complete the prescribed course. If a municipal judge fails to complete satisfactorily the prescribed course within six months after the municipal judge's selection as municipal judge, the municipal judge's office shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal judge, nor shall any compensation thereafter be paid to such person for serving as municipal judge.

**9. The conduct of municipal court judges shall conform to the rules governing the judiciary set forth in supreme court rules.**

**479.155. 1. By September 1, 2015, the presiding judge of the circuit court in which the municipal division is located shall report to the clerk of the supreme court the name and address of the municipal division and any other information regarding the municipal division requested by the clerk of the supreme court on a standardized form developed by the clerk of the supreme court.**

**2. If a municipality elects to abolish or establish a municipal division, the presiding judge of the circuit court in which the municipal division is located shall notify the clerk of the supreme court, and the presiding judge of any new municipal division shall complete the report required under subsection 1 of this section within ninety days of the establishment of the division.**

**3. The supreme court shall develop rules regarding conflict of interest for any prosecutor, defense attorney, public defender, or judge that has a pending case before the municipal division of any circuit court.**

**479.350. For purposes of sections 479.350 to 479.372, the following terms mean:**

**(1) "Annual general operating revenue", revenue that can be used to pay any bill or obligation of a county, city, town, or village, including general sales tax; general use tax; general property tax; fees from licenses and permits; unrestricted user fees, fines, bond forfeitures, and penalties. Annual general operating revenue does not include designated sales or use taxes; restricted user fees; grant funds; funds expended by a political subdivision for technological assistance in collecting, storing, and disseminating criminal history record information and facilitating criminal identification activities for the purpose of sharing criminal justice-related information among political subdivisions; or other revenue designated for a specific purpose;**

**(2) "Court costs", costs, fees, or surcharges which are retained by a county, city, town, or village upon a finding of guilty or plea of guilty, and shall exclude any fees disbursed to the state or other entities by a county, city, town, or village;**

**(3) "Minor traffic violation", a violation prosecuted that does not involve an accident or injury, that does not involve the operation of a commercial motor vehicle, and for which the department of revenue is authorized to assess no more than four points to a person's driving record upon conviction. Minor traffic violation shall exclude a violation for exceeding the speed limit by more than nineteen miles per hour or a violation occurring within a construction zone or school zone.**

**479.353. The following conditions shall apply to minor traffic violations:**

**(1) The court shall not assess a fine, if combined with the amount of court costs, totaling in excess of two hundred dollars;**

**(2) The court shall not sentence a person to confinement;**

**(3) A person shall not be placed in confinement for failure to pay a fine;**

**(4) Court costs that apply to criminal cases shall be assessed against the defendant unless the court finds that the defendant is indigent based on standards set forth in determining such by the presiding judge of the circuit. Such standards shall reflect model rules and requirements to be developed by the supreme court; and**

**(5) No court costs shall be assessed if the case is dismissed.**

**479.359. 1. Every county, city, town, and village shall annually calculate the percentage of its annual general operating revenue received from fines and court costs for charges originally cited as minor traffic violations, whether the violation was prosecuted in municipal court, associate circuit court, or circuit court, occurring within the county, city, town, or village. If the percentage is more than thirty percent, the excess**

amount shall be sent to the director of the department of revenue. The director of the department of revenue shall set forth by rule a procedure whereby excess revenues as set forth in this section shall be sent to the department of revenue. The department of revenue shall distribute these moneys annually to the schools of the county in the same manner that proceeds of all fines collected for any breach of the penal laws of this state are distributed.

2. Beginning January 1, 2016, the percentage specified in subsection 1 of this section shall be reduced from thirty percent to twenty percent, unless any county, city, town, or village has a fiscal year beginning on any date other than January first, in which case the reduction shall begin on the first day of the immediately following fiscal year except that any county with a charter form of government and with more than nine hundred fifty thousand inhabitants shall be reduced from thirty percent to fifteen percent.

3. Every county, city, town, and village shall file with the state auditor, together with its report due under section 105.145, its certification of its substantial compliance signed by its municipal judge with the municipal court procedures set forth in this subsection during the preceding fiscal year. The procedures to be adopted and certified include the following:

(1) Defendants in municipal custody pursuant to an initial arrest warrant have an opportunity to be heard by a judge in person or by telephone as soon as practicable and not later than forty-eight hours on traffic violations and not later than seventy-two hours on other violations and, if not given that opportunity, are released;

(2) Defendants in municipal custody without a warrant have an opportunity to be heard by a judge in person or by telephone as soon as practicable and no later than twenty hours after an arrest and, if not given that opportunity, are released;

(3) Defendants are not detained in order to coerce payment of fines and costs;

(4) The municipal court has established procedures to allow impoverished defendants to present evidence of their financial condition and takes such evidence into account if determining fines and costs and establishing related payment requirements;

(5) No sentence of incarceration is imposed unless an impoverished defendant has reasonable access to an attorney if required under chapter 600;

(6) The municipal court only assesses fines and costs as authorized by law;

(7) No additional charge shall be issued for the failure to appear for a municipal charge;

(8) The municipal court conducts proceedings in a courtroom that is open to the public and large enough to reasonably accommodate the public, parties, and attorneys;

(9) The municipal court makes use of alternative payment plans and community service alternatives; and

(10) The municipal court has adopted an electronic payment system or payment by mail for the payment of minor traffic violations.

4. An addendum to the annual financial report submitted to the state auditor by the county, city, town, or village under section 105.145 shall contain an accounting of the percent of:

(1) The total revenues from fines and court costs for minor traffic violations occurring within the county, city, town, or village, including amended charges from any minor traffic violations;

(2) The percent of annual general operating revenue from fines and court costs for minor traffic violations occurring within the county, city, town, or village, including amended charges from any charged minor traffic violation, charged in the municipal court of that county, city, town, or village; and

(3) Said addendum shall be certified and signed by a representative with knowledge of the subject matter as to the accuracy of the addendum contents, under oath and under the penalty of perjury, and witnessed by a notary public.

5. On or before December 31, 2015, the state auditor shall set forth by rule a procedure for including the addendum information required by this section. The rule shall also allow reasonable opportunity for demonstration of compliance without unduly burdensome calculations.

479.362. 1. The director of the department of revenue shall report any excess amount it has received from any county, city, town, or village to the state auditor. The auditor shall review the information filed in the addendum as required by section 479.359 and such information as reported to it by the department of revenue and shall determine if any county, city, town, or village:

(1) Failed to file the addendum; or

(2) Failed to remit to the department of revenue the excess amount as set forth, certified, and signed in the addendum.

The auditor shall send a notice by certified mail to every county, city, town, or village failing to make the required filing or excess payment. The notice shall advise the county, city, town, or village of the failure and state that the county, city, town, or village is to correct the failure within sixty days of the date of the notice.

2. If a county, city, town, or village filed the required addendum after notice from the auditor, the auditor shall determine whether the county, city, town, or village failed to pay the excess amount required. If so, the auditor shall send the notice of failure to pay the excess amount and the county, city, town, or village shall pay the excess amount within sixty days of the date of the original notice.

3. A county, city, town, or village sent a notice by the auditor of failure to pay or failure to file the required addendum under this section may seek judicial review of any determination made by the state auditor by filing a petition under section 536.150 within thirty days of receipt of such determination. The county, city, town, or village shall give written notice of such filing to the director of revenue and the state auditor by certified mail. Within fifteen days of filing the petition, the county, city, town, or village shall deposit an amount equal to any amount in dispute into the registry of the circuit court by the county, city, town, or village. Failure to do so shall result in a dismissal of the case.

4. In addition to other available remedies, if the circuit court determines that the state auditor's determination as to the amount of excess funds or failure to file is in error, the circuit court shall return the amount not required to be remitted to the department of revenue to the county, city, town, or village immediately. The remainder of the funds held in the registry shall be paid to the director of the department of revenue for distribution under subsection 1 of section 479.359.

5. If after a final determination is made that any county, city, town, or village failed to make an accurate or timely report under section 105.145 or to send excess revenue to the director of the department of revenue, any matters pending in the municipal court shall be certified to the presiding judge of the circuit who shall assign the matters to other divisions within the court.

479.368. 1. Any county, city, town, or village failing to timely remit the required excess revenues after notice by the auditor or any final determination on excess revenue by the court, whichever is later, shall not receive from the date the notice becomes final any amount of moneys to which the county, city, town, or village would otherwise be entitled to receive from revenues from local sales tax as defined in section 32.085 to the extent that the county, city, town, or village failed to remit excess revenues to the director of the department of revenue. Such general local sales tax revenues shall be sent to the director of the department of revenue and shall be distributed as provided in subsection 1 of section 479.359.

2. In addition to the provisions of subsection 1 of this section, any such county shall have an election upon the question of disincorporation under article VI, section 5 of the Constitution of Missouri, and any such city, town, or village shall have an election upon the question of disincorporation according to the following procedure:

(1) The election upon the question of disincorporation of such city, town, or village shall be held on the next general election day, as defined by section 115.121;

(2) The director of the department of revenue shall notify the election authorities responsible for conducting the election according to the terms of section 115.125 and the county governing body in which the city, town, or village is located not later than 5:00 p.m. on the tenth Tuesday prior to the election of the amount of the excess revenues due;

(3) The question shall be submitted to the voters of such city, town, or village in substantially the following form:

The city/town/village of ..... has kept more revenue from fines, bond forfeitures, and court costs for minor traffic violations than is permitted by state law. Shall the city/town/village of ..... be dissolved?;

(4) Upon notification by the director of the department of revenue, the county governing body in which the city, town, or village is located shall give notice of the election for eight consecutive weeks prior to the election by publication in a newspaper of general circulation published in the city, town, or village, or if there is no such newspaper in the city, town, or village, then in the newspaper in the county published nearest the city, town, or village; and

(5) Upon the affirmative vote of sixty percent of those persons voting on the question, the county governing body shall disincorporate the city, town, or village.

479.372. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 479.350 to 479.372 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to

**review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void.**

[302.341. 1. If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which the resident is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this section.

2. If any city, town, village, or county receives more than thirty percent of its annual general operating revenue from fines and court costs for traffic violations, including amended charges from any traffic violation, occurring within the city, town, village, or county, all revenues from such violations in excess of thirty percent of the annual general operating revenue of the city, town, village, or county shall be sent to the director of the department of revenue and shall be distributed annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the state are distributed. The director of the department of revenue shall set forth by rule a procedure whereby excess revenues as set forth above shall be sent to the department of revenue. If any city, town, village, or county disputes a determination that it has received excess revenues required to be sent to the department of revenue, such city, town, village, or county may submit to an annual audit by the state auditor under the authority of Article IV, Section 13 of the Missouri Constitution. An accounting of the percent of annual general operating revenue from fines and court costs for traffic violations, including amended charges from any charged traffic violation, occurring within the city, town, village, or county and charged in the municipal court of that city, town, village, or county shall be included in the comprehensive annual financial report submitted to the state auditor by the city, town, village, or county under section 105.145. Any city, town, village, or county which fails to make an accurate or timely report, or to send excess revenues from such violations to the director of the department of revenue by the date on which the report is due to the state auditor shall suffer an immediate loss of jurisdiction of the municipal court of said city, town, village, or county on all traffic-related charges until all requirements of this section are satisfied. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.]"; and

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

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

Mr. Speaker: Your Committee on Conservation and Natural Resources, to which was referred **HB 834**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(2) be referred to the Select Committee on Agriculture.



Mr. Speaker: Your Committee on Conservation and Natural Resources, to which was referred **HB 835**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1 to House Committee Amendment No. 1, and House Committee Amendment No. 1, as amended**, and pursuant to Rule 27(2) be referred to the Select Committee on Agriculture.

*House Committee Amendment No. 1*  
*to*  
*House Committee Amendment No. 1*

AMEND House Committee Amendment No.1 to House Bill No. 835, Page 1, Line 7, by deleting the phrase "**whichever is sooner**"; and

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

*House Committee Amendment No. 1*

AMEND House Bill No. 835, Page 2, Section 640.095, Lines 29-31, by deleting all of said lines and inserting in lieu thereof the following:

**"3. Notwithstanding any other provision of law to the contrary, prior to submitting any state implementation plan to the Environmental Protection Agency, the department shall submit the proposed state implementation plan to the general assembly. Within forty-five calendar days of submittal or the beginning of the next legislative session, whichever is sooner, the general assembly may disapprove or modify the state implementation plan or any portion therein through passage of a concurrent resolution."**; and

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

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

Mr. Speaker: Your Committee on Economic Development and Business Attraction and Retention, to which was referred **HB 855**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(4) be referred to the Select Committee on Commerce.

*House Committee Amendment No. 1*

AMEND House Bill No. 855, Page 5, Section 99.820, Lines 138-139, by deleting all of said lines and inserting in lieu thereof the following:

"thousand inhabitants shall, prior to adoption of"; and

Further amend said bill and section, Page 6, Line 176, by inserting immediately after said line the following:

**"4. Beginning August 28, 2015:**

**(1) In lieu of a commission created under subsections 2 or 3, any city, town, or village in a county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants shall, prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, create a commission consisting of eleven persons to be appointed as follows:**

(a) Four members appointed either by the county executive or presiding commissioner; notwithstanding any provision of law to the contrary, no approval by the county's governing body shall be required;

(b) Four members appointed by the cities, towns, or villages in the county which have tax increment financing districts in a manner in which the chief elected officials of such cities, towns, or villages agree;

(c) Two members appointed by the school boards whose districts are included in the county in a manner in which the school boards agree; and

(d) One member to represent all other districts levying ad valorem taxes in the proposed redevelopment area in a manner in which all such districts agree. No city, town, or village subject to this subsection shall create or maintain a commission under subsection 2 of this section, except as necessary to complete a public hearing for which notice under section 99.830 has been provided prior to August 28, 2015, and to vote or make recommendations relating to redevelopment plans, redevelopment projects, or designation of redevelopment areas, or amendments thereto that were the subject of such public hearing;

(2) Members appointed to the commission created under this subsection, except those four members appointed by either the county executive or presiding commissioner, shall serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan, or designation of a redevelopment area is considered for approval by the commission. The four members appointed by either the county executive or the presiding commissioner shall serve on all such commissions until replaced. The city, town, or village that creates a commission under this subsection shall send notice thereof by certified mail to the county executive or presiding commissioner, to the school districts whose boundaries include any portion of the proposed redevelopment area, and to the other taxing districts whose boundaries include any portion of the proposed redevelopment area. The city, town, or village that creates the commission shall also be solely responsible for notifying all other cities, towns, and villages in the county that have tax increment financing districts and shall exercise all administrative functions of the commission. The school districts receiving notice from the city, town, or village shall be solely responsible for notifying the other school districts within the county of the formation of the commission. If the county, school board, or other taxing district fails to appoint members to the commission within thirty days after the city, town, or village sends the written notice, as provided herein, that it has convened such a commission or within thirty days of the expiration of any such member's term, the remaining duly appointed members of the commission may exercise the full powers of the commission."; and

Further amend said section by renumbering the subsections accordingly; and

Further amend said bill, page, and section, Line 191, by deleting the phrase "subsection 3" and inserting in lieu thereof the phrase "subsections 3 or 4"; and

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

Mr. Speaker: Your Committee on Economic Development and Business Attraction and Retention, to which was referred **SB 194**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(4) be referred to the Select Committee on Commerce.

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

Mr. Speaker: Your Committee on Elections, to which was referred **HB 1029**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

*House Committee Amendment No. 1*

AMEND House Bill No. 1029, Pages 1-2, Section 160.671, Lines 1-27, by removing all of said section and lines from the bill; and

Further amend said bill, Page 4, Section 162.481, Line 50, by deleting the word "**four**" on said line and inserting in lieu thereof the word "**three**"; and

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

Mr. Speaker: Your Committee on Elections, to which was referred **HB 1179**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

*House Committee Amendment No. 1*

AMEND House Bill No. 1179, Page 1, Section 49.060, Lines 5-8, by deleting all of said lines and inserting in lieu thereof the following:

**"2. It shall be the duty of the governor to fill such vacancy no later than sixty days after certification by appointing, by"; and**

Further amend said bill, Page 2, Section 51.090, Lines 2-4, by deleting all of said lines and inserting in lieu thereof the following:

"by death, resignation, removal, refusal to act, or otherwise, it shall be the duty of the governor to fill such vacancy by appointing, **no later than sixty days after the vacancy occurs and by and with the advice and consent of the senate**"; and

Further amend said bill and page, Section 52.145, Lines 2-4, by deleting all of said lines and inserting in lieu thereof the following:

**"death, resignation, removal, refusal to act, or otherwise, it shall be the duty of the governor to fill such vacancy by appointing, no later than sixty days after the vacancy occurs and by and with the advice and consent of the"; and**

Further amend said bill and page, Section 53.010, Lines 9-11, by deleting all of said lines and inserting in lieu thereof the following:

**"removal, refusal to act, or otherwise, it shall be the duty of the governor to fill such vacancy by appointing, no later than sixty days after the vacancy occurs and by and with the advice and consent of the senate subject to the"; and**

Further amend said bill, Page 3, Section 54.033, Lines 5-7, by deleting all of said lines and inserting in lieu thereof the following:

"until said treasurer returns or the unexpired term is filled under section 105.030. **The governor shall fill a vacancy under this section no later than sixty days after such vacancy occurs by appointing, by and with**"; and

Further amend said bill, Page 4, Section 55.050, Lines 9 and 10, by deleting all of said lines and inserting in lieu thereof the following:

"otherwise, the governor shall fill the vacancy, **no later than sixty days after it occurs**, by appointing some eligible person to the"; and

Further amend said bill, Page 4, Section 58.040, Lines 2-4, by deleting all of said lines and inserting in lieu thereof the following:

"removal, refusal to act, or in any other manner, it shall be the duty of the governor to fill such vacancy, **no later than sixty days after its occurrence**, by appointing some eligible person to such office **by and with the advice and consent**"; and

Further amend said bill, Page 4, Section 59.022, Lines 5-7, by deleting all of said lines and inserting in lieu thereof the following:

"of deeds until the unexpired term is filled under section 105.030. **It shall be the duty of the governor to fill such vacancy, no later than sixty days after its occurrence, by appointing, by and with the advice and**"; and

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

Mr. Speaker: Your Committee on Elections, to which was referred **HB 1316**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

Mr. Speaker: Your Committee on Elections, to which was referred **SCS SBs 34 & 105**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

*House Committee Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill Nos. 34 & 105, Page 4, Section 115.277, Line 15, by inserting immediately after the word "retained" the following: "

**(6) Certified participation in the address confidentiality program established under sections 589.660 to 589.681 because of safety concerns**"; and

Further amend said bill, Page 5, Section 115.277, Line 41, by inserting after all of said line the following:

"115.279. 1. Application for an absentee ballot may be made by the applicant in person, or by mail, or for the applicant, in person, by his or her guardian or a relative within the second degree by consanguinity or affinity. The election authority shall accept applications by facsimile transmission within the limits of its telecommunications capacity.

2. Each application shall be made to the election authority of the jurisdiction in which the person is or would be registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is or would be registered, his or her reason for voting an absentee ballot, the address to which the ballot is to be mailed, if mailing is requested, and for absent uniformed services and overseas applicants, the applicant's email address if electronic transmission is requested. **If the reason for the applicant voting absentee is due to the reasons established under subdivision (6) of subsection 1 of section 115.277, the applicant shall state the voter's identification information provided by the address confidentiality program in lieu of the applicant's name, address at which he or she is or would be registered, and address to which the ballot is to be mailed, if mailing is requested.** Each application to vote in a primary election shall also state which ballot the applicant wishes to receive. If any application fails to designate a ballot, the election authority shall, within three working days after receiving the application, notify the applicant by mail that it will be unable to deliver an absentee ballot until the applicant designates which political party ballot he or she wishes to receive. If the applicant does not respond to the request for political party designation, the election authority is authorized to provide the voter with that part of the ballot for which no political party designation is required.

3. Except as provided in subsection 3 of section 115.281, all applications for absentee ballots received prior to the sixth Tuesday before an election shall be stored at the office of the election authority until such time as the applications are processed in accordance with section 115.281. No application for an absentee ballot received in the office of the election authority by mail, by facsimile transmission or by a guardian or relative after 5:00 p.m. on the Wednesday immediately prior to the election shall be accepted by any election authority. No application for an

absentee ballot submitted by the applicant in person after 5:00 p.m. on the day before the election shall be accepted by any election authority, except as provided in subsections 6, 8 and 9 of this section.

4. Each application for an absentee ballot shall be signed by the applicant or, if the application is made by a guardian or relative pursuant to this section, the application shall be signed by the guardian or relative, who shall note on the application his or her relationship to the applicant. If an applicant, guardian or relative is blind, unable to read or write the English language or physically incapable of signing the application, he or she shall sign by mark, witnessed by the signature of an election official or person of his or her own choosing. Any person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall be guilty of a class one election offense.

5. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri who resides outside the boundaries of the United States or who is on active duty with the Armed Forces of the United States or members of their immediate family living with them may request an absentee ballot for both the primary and subsequent general election with one application.

(2) The election authority shall provide each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, if the election authority rejects the application or request, with the reasons for the rejection.

(3) Notwithstanding any other law to the contrary, if a standard oath regarding material misstatements of fact is adopted for uniformed and overseas voters pursuant to the Help America Vote Act of 2002, the election authority shall accept such oath for voter registration, absentee ballot, or other election-related materials.

(4) Not later than sixty days after the date of each regularly scheduled general election for federal office, each election authority which administered the election shall submit to the secretary of state in a format prescribed by the secretary a report on the combined number of absentee ballots transmitted to, and returned by, absent uniformed services voters and overseas voters for the election. The secretary shall submit to the Election Assistance Commission a combined report of such information not later than ninety days after the date of each regularly scheduled general election for federal office and in a standardized format developed by the commission pursuant to the Help America Vote Act of 2002. The secretary shall make the report available to the general public.

(5) As used in this section, the terms "absent uniformed services voter" and "overseas voter" shall have the meaning prescribed in 42 U.S.C. **Section** 1973ff-6.

6. An application for an absentee ballot by a new resident, as defined in section 115.275, shall be submitted in person by the applicant in the office of the election authority in the election jurisdiction in which such applicant resides. The application shall be received by the election authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit, executed in duplicate in the presence of the election authority or any authorized officer of the election authority, and in substantially the following form:

"STATE OF .....

COUNTY OF ....., ss.

I, ....., do solemnly swear that:

(1) Before becoming a resident of this state, I resided at ..... (residence address) in ..... (town, township, village or city) of ..... County in the state of .....

(2) I moved to this state after the last day to register to vote in such general presidential election and I am now residing in the county of ....., state of Missouri;

(3) I believe I am entitled pursuant to the laws of this state to vote in the presidential election to be held November ....., ..... (year);

(4) I hereby make application for a presidential and vice presidential ballot. I have not voted and shall not vote other than by this ballot at such election.

Signed .....

(Applicant)

.....

(Residence Address)

Subscribed and sworn to before me this ..... day of ....., .....

Signed .....

(Title and name of officer authorized to administer oaths)"

7. The election authority in whose office an application is filed pursuant to subsection 6 of this section shall immediately send a duplicate of such application to the appropriate official of the state in which the new resident applicant last resided and shall file the original of such application in its office.

8. An application for an absentee ballot by an intrastate new resident, as defined in section 115.275, shall be made in person by the applicant in the office of the election authority in the election jurisdiction in which such applicant resides. The application shall be received by the election authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit, executed in duplicate in the presence of the election authority or an authorized officer of the election authority, and in substantially the following form:

"STATE OF .....

COUNTY OF ....., ss.

I, ....., do solemnly swear that:

(1) Before becoming a resident of this election jurisdiction, I resided at ..... (residence address) in ..... (town, township, village or city) of ..... county in the state of .....

(2) I moved to this election jurisdiction after the last day to register to vote in such election;

(3) I believe I am entitled pursuant to the laws of this state to vote in the election to be held ..... (date);

(4) I hereby make application for an absentee ballot for candidates and issues on which I am entitled to vote pursuant to the laws of this state. I have not voted and shall not vote other than by this ballot at such election.

Signed .....

(Applicant)

.....

(Residence Address)

Subscribed and sworn to before me this ..... day of ....., .....

Signed .....

(Title and name of officer authorized to administer oaths)"

9. An application for an absentee ballot by an interstate former resident, as defined in section 115.275, shall be received in the office of the election authority where the applicant was formerly registered by 5:00 p.m. on the Wednesday immediately prior to the election, unless the application is made in person by the applicant in the office of the election authority, in which case such application shall be made no later than 7:00 p.m. on the day of the election.

115.283. 1. Each ballot envelope shall bear a statement on which the voter shall state the voter's name, the voter's voting address, the voter's mailing address and the voter's reason for voting an absentee ballot. **If the reason for the voter voting absentee is due to the reasons established under subdivision (6) of subsection 1 of section 115.277, the voter shall state the voter's identification information provided by the address confidentiality program in lieu of the applicant's name, voting address, and mailing address.** On the form, the voter shall also state under penalties of perjury that the voter is qualified to vote in the election, that the voter has not previously voted and will not vote again in the election, that the voter has personally marked the voter's ballot in secret or supervised the marking of the voter's ballot if the voter is unable to mark it, that the ballot has been placed in the ballot envelope and sealed by the voter or under the voter's supervision if the voter is unable to seal it, and that all information contained in the statement is true. In addition, any person providing assistance to the absentee voter shall include a statement on the envelope identifying the person providing assistance under penalties of perjury. Persons authorized to vote only for federal and statewide officers shall also state their former Missouri residence.

2. The statement for persons voting absentee ballots who are registered voters shall be in substantially the following form:

State of Missouri

County (City) of .....

I, ..... (print name), a registered voter of ..... County (City of St. Louis, Kansas City), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one):

..... absence on election day from the jurisdiction of the election authority in which I am registered;

..... incapacity or confinement due to illness or physical disability, including caring for a person who is incapacitated or confined due to illness or disability;

..... religious belief or practice;

..... employment as an election authority or by an election authority at a location other than my polling place;

..... incarceration, although I have retained all the necessary qualifications for voting;

**..... certified participation in the address confidentiality program established under sections 589.660 to 589.681 because of safety concerns.**

I hereby state under penalties of perjury that I am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

..... Signature of Voter	..... Signature of Person Assisting Voter (if applicable)
Signed .....	Subscribed and sworn to
Signed .....	before me this ..... day
Address of Voter	of ....., .....
.....	.....
.....	.....
Mailing addresses (if different)	Signature of notary or other officer authorized to administer oaths

3. The statement for persons voting absentee ballots pursuant to the provisions of subsection 2, 3, 4, or 5 of section 115.277 without being registered shall be in substantially the following form:

State of Missouri

County (City) of .....

I, ..... (print name), declare under the penalties of perjury that I am a citizen of the United States and eighteen years of age or older. I am not adjudged incapacitated by any court of law, and if I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I hereby state under penalties of perjury that I am qualified to vote at this election.

I am (check one):

..... a resident of the state of Missouri and a registered voter in ..... County and moved from that county to ..... County, Missouri, after the last day to register to vote in this election.

..... an interstate former resident of Missouri and authorized to vote for presidential and vice presidential electors.

I further state under penalties of perjury that I have not voted and will not vote other than by this ballot at this election; I marked the enclosed ballot in secret or am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

.....  
Signature of Voter                  Subscribed to and sworn  
   before me this ..... day  
   of ....., .....

.....  
.....  
Address of Voter                      Signature of notary or  
   other officer authorized  
   to administer oaths

.....  
Mailing Address (if different).....

.....  
.....  
Signature of Person                  Address of Last  
Assisting Voter                      Missouri Residence  
   (if applicable)

4. The statement for persons voting absentee ballots who are entitled to vote at the election pursuant to the provisions of subsection 2 of section 115.137 shall be in substantially the following form:

State of Missouri  
County (City) of .....

I, ..... (print name), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one):

- ..... absence on election day from the jurisdiction of the election authority in which I am directed to vote;
- ..... incapacity or confinement due to illness or physical disability, including caring for a person who is incapacitated or confined due to illness or disability;
- ..... religious belief or practice;
- ..... employment as an election authority or by an election authority at a location other than my polling place;
- ..... incarceration, although I have retained all the necessary qualifications of voting; ..... **certified participation in the address confidentiality program established under sections 589.660 to 589.681 because of safety concerns.**

I hereby state under penalties of perjury that I own property in the ..... district and am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read and write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

.....  
Signature of Voter                  Subscribed and sworn  
   to before me this .....  
   day of ....., .....

.....  
.....  
Address                                      Signature of notary or  
   other officer authorized  
   to administer oaths

.....  
Signature of Person  
Assisting Voter  
(if applicable)



5. The statement for persons providing assistance to absentee voters shall be in substantially the following form: The voter needed assistance in marking the ballot and signing above, because of blindness, other physical disability, or inability to read or to read English. I marked the ballot enclosed in this envelope at the voter's direction, when I was alone with the voter, and I had no other communication with the voter as to how he or she was to vote. The voter swore or affirmed the voter affidavit above and I then signed the voter's name and completed the other voter information above. Signed under the penalties of perjury.

Reason why voter needed assistance: .....

ASSISTING PERSON SIGN HERE

- 1. .... (signature of assisting person)
- 2. .... (assisting person's name printed)
- 3. .... (assisting person's residence)
- 4. .... (assisting person's home city or town).

6. Notwithstanding any other provision of this section, any covered voter as defined in section 115.902 or persons who have declared themselves to be permanently disabled pursuant to section 115.284, otherwise entitled to vote, shall not be required to obtain a notary seal or signature on his or her absentee ballot.

7. Notwithstanding any other provision of this section or section 115.291 to the contrary, the subscription, signature and seal of a notary or other officer authorized to administer oaths shall not be required on any ballot, ballot envelope, or statement required by this section if the reason for the voter voting absentee is due to the reasons established pursuant to subdivision (2) of subsection 1 of section 115.277.

8. No notary shall charge or collect a fee for notarizing the signature on any absentee ballot or absentee voter registration.

9. A notary public who charges more than the maximum fee specified or who charges or collects a fee for notarizing the signature on any absentee ballot or absentee voter registration is guilty of official misconduct."; and

Further amend said bill, Page 7, Section 115.940, Line 5, by inserting after all of said line the following:

"Section B. Because immediate action is necessary to allow the provisions of this act to apply to election procedures before August 28, 2015, in order to protect the security needs of victims of domestic violence, rape, sexual assault, or stalking, the repeal and reenactment of sections 115.277, 115.279, and 115.283 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 115.277, 115.279, and 115.283 of this act shall be in full force and effect on July 1, 2015, or upon its passage and approval, whichever first occurs."; and

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

**Committee on Elementary and Secondary Education**, Chairman Swan reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HJR 6**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(5) be referred to the Select Committee on Education.

**Committee on Emerging Issues**, Chairman Haahr reporting:

Mr. Speaker: Your Committee on Emerging Issues, to which was referred **HJR 20**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(7) be referred to the Select Committee on General Laws.

Mr. Speaker: Your Committee on Emerging Issues, to which was referred **HB 537**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(7) be referred to the Select Committee on General Laws.

*House Committee Amendment No. 1*

AMEND House Bill No. 537, Pages 1-4, Section 67.1850, by removing all of said section from the bill and inserting in lieu thereof the following:

"67.1850. 1. As used in [this section] **sections 67.1850 to 67.1852**, the following terms mean:

(1) "Community", any municipality or county as defined in this section;

(2) **"Computer-assisted mass appraisal (CAMA) system", a system that incorporates computer-supported statistical analyses such as multiple regression analysis and adaptive estimation procedure to assist the county assessor in estimating value and its associated data including, but not limited to, all information collected in the process of executing an assessment and equalization maintenance plan as set forth in section 137.115;**

(3) "County", any county form of government;

(4) **"County assessor", a county assessor of all second, third, and fourth class counties, and all first class counties without a charter form of government and the assessing officer of the city of St. Louis;**

~~[(3)]~~ (5) "Geographical information system", a computerized, spatial coordinate mapping and relational database technology which:

(a) Captures, assembles, stores, converts, manages, analyzes, amalgamates and records, in the digital mode, all kinds and types of information and data;

(b) Transforms such information and data into intelligence and subsequently retrieves, presents and distributes that intelligence to a user for use in making the intelligent decisions necessary for sound management;

~~[(4)]~~ (6) "Municipality", any city located in any county.

2. The development of geographical information systems has not been undertaken in any large-scale and useful way by private enterprise. The use of modern technology can enhance the planning and decision-making processes of communities. The development of geographical information systems is a time-consuming and expensive activity. In the interest of maintaining community governments open and accessible to the public, information gathered by communities for use in a geographical information system, unless properly made a closed record, should be available to the public. However, access to the information in a way by which a person could render the investment of the public in a geographical information system a special benefit to that person, and not to the public, should not be permitted.

3. Any community as defined in this section may create a geographical information system for the community. The scope of the geographical information system shall be determined by the governing body of the community. The method of creation, maintenance, use and distribution of the geographical information system shall be determined by the governing body of the community. A community shall not mandate the use of this system or allocate the costs of the system to nonusers.

4. The information collected or assimilated by a community for use in a geographical information system shall not be withheld from the public, unless otherwise properly made a closed record of the community as provided by section 610.021. The information collected or assimilated by a community for use in a geographical information system need not be disclosed in a form which may be read or manipulated by computer, absent a license agreement between the community and the person requesting the information.

5. Information collected or assimilated by a community for use in a geographical information system and disclosed in any form, other than in a form which may be read or manipulated by computer, shall be provided for a reasonable fee, as established by section 610.026. A community maintaining a geographical information system shall make maps and other products of the system available to the public. The cost of the map or other product shall not exceed a reasonable fee representing the cost to the community of time, equipment and personnel in the production of the map or other product. A community may license the use of a geographical information system. The total cost of licensing a geographical information system may not exceed the cost, as established by section 610.026, of the:

(1) Cost to the community of time, equipment and personnel in the production of the information in a geographical information system or the production of the geographical information system; and

(2) Cost to the community of the creation, purchase, or other acquisition of the information in a geographical information system or of the geographical information system.

6. The provisions of this section shall not hinder the daily or routine collection of data from the geographical information system by real estate brokers and agents, title collectors, developers, surveyors, utility companies, banks, news media, **licensed and certified real estate appraisers**, or mortgage companies, nor shall the provisions allow for the charging of fees for the collection of such data exceeding that allowed pursuant to section

610.026. The provisions of this section, however, shall allow a community maintaining a geographical information system to license and establish costs for the use of the system's computer program and computer software, and may also establish costs for the use of computer programs and computer software that provide access to information aggregated with geographic information system information.

7. A community distributing information used in a geographical information system or distributing a geographical information system shall not be liable for any damages which may arise from any error which may exist in the information or the geographical information system."; and

Further amend said bill, Pages 4-7, Section 610.021, by removing all of said section from the bill and inserting in lieu thereof the following:

**"67.1852. 1. Data gathered for use in a CAMA system, unless properly made a closed record as provided by section 610.021, shall be available to the public. Access to the data in a method by which an individual or business entity derives a special benefit from such access shall not be permitted.**

**2. Data collected or assimilated for use in a CAMA system disclosed in any form shall be provided for a reasonable fee, as established by section 610.026. The cost of the data shall not exceed a reasonable fee representing the cost to the county assessor of time, equipment, and personnel in the production of the data.**

**3. In order to maintain the integrity of the data collected or assimilated for use in a CAMA system, such data shall not be disclosed in a form which may be read or manipulated by computer, absent a license agreement between the county assessor and the person requesting the data. The total cost of licensing the data contained in a CAMA system shall not exceed the cost, as established by section 610.026, of the:**

**(1) Cost to the county assessor of time, equipment, and personnel in the production of the data contained in a CAMA system or production of the CAMA system; and**

**(2) Cost to the county assessor of the creation, purchase, or other acquisition of the data contained in a CAMA system or of the CAMA system.**

**4. The provisions of this section shall not hinder the daily or routine collection of data contained in a CAMA system by real estate brokers and agents, title collectors, developers, surveyors, utility companies, banks, news media, licensed and certified real estate appraisers, or mortgage companies, nor shall the provisions allow for the charging of fees for the collection of such data exceeding that allowed under section 610.026. The provisions of this section shall allow a county assessor maintaining a CAMA system to license and establish costs for the use of the system's computer program and computer software, and may also establish costs for the use of computer programs and computer software that provide access to the data contained in a CAMA system.**

**5. A county assessor distributing data contained in a CAMA system or distributing a CAMA system shall not be liable for any damages which may arise from any error which may exist in the CAMA system or its associated data."; and**

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

Mr. Speaker: Your Committee on Emerging Issues, to which was referred **HB 1044**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(7) be referred to the Select Committee on General Laws.

*House Committee Amendment No. 1*

AMEND House Bill No. 1044, Page 1, Section 478.252, Lines 4 to 6, by deleting said lines and inserting in lieu thereof the following:

**"trial, sentencing, and supervision of the accused or convicted in all actions in which the lead charge has been brought under subdivision 2 of section 1 of section 569.020 prior to December 31, 2016, or, beginning January 1, 2017, subdivision 1 of subsection 1 of section 569.160, subdivision 2 of subsection 1 of section 570.023, 571.015, subdivisions 1, 2, 3, or 6, of subsection 1 of section 571.020, 571.030, 571.045, 571.050, subdivision 1 of subsection 1 of section 571.060, 571.063, 571.070, 571.072, or 571.150. For purposes of this**

section, a "lead charge", means the highest grade of a charge against a defendant. Charges tried by the docket shall arise from lead charges brought on or after the effective date of the creation of the docket."; and

Further amend said bill and section, Page 2, Lines 36 to 38, by deleting all of said lines and inserting in lieu thereof the following:

**"(12) Any non-privileged information reasonably requested by such agencies or by a research university in Missouri with an accredited program in criminology, criminal justice, public health, or social work. Any information that is protected from disclosure by a recognized privilege or statute shall be disclosed only by court order or as provided by statute.";** and

Further amend said page and section, Line 42, by inserting after the phrase "research university" the phrase "in Missouri"; and

Further amend said page and section, Line 43, by inserting after the phrase "prosecuting attorney" the phrase "or public defender in such circuit,"; and

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

**Committee on Energy and the Environment**, Chairman Miller reporting:

Mr. Speaker: Your Committee on Energy and the Environment, to which was referred **HB 1102**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(14) be referred to the Select Committee on Utilities.

*House Committee Amendment No. 1*

AMEND House Bill No. 1102, Page 2, Section 319.114, Line 28, by deleting the word "underground" and inserting in lieu thereof the words "motor fuel"; and

Further amend said bill, Page 3, Section 414.036, Line 28, by deleting the words "petroleum substance" and inserting in lieu thereof the words "motor fuel"; and

Further amend said bill, page, and section, Line 29, by deleting the word "underground" and inserting in lieu thereof the words "motor fuel"; and

Further amend said bill, Page 5, Section 414.255, Line 94, by deleting the word "qualify" and inserting in lieu thereof the word "quality"; and

Further amend said bill, page, and section, Line 95, by inserting immediately before the word "damages" the word "property"; and

Further amend said bill, page, section, and line, by inserting after the word "vendor" the following:

**"so long as the selection of motor fuel was made by the customer and not the vendor";** and

Further amend said bill, page, and section, Line 97, by inserting after the word "product" the words "for the purposes of a claim for property damage"; and

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

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

Mr. Speaker: Your Committee on Higher Education, to which was referred **SB 13**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(5) be referred to the Select Committee on Education.

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

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 1221**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 1346**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

Mr. Speaker: Your Committee on Local Government, to which was referred **SB 68**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

Mr. Speaker: Your Committee on Local Government, to which was referred **SB 221**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1** and **House Committee Amendment No. 2**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

*House Committee Amendment No. 1*

AMEND Senate Bill No. 221, Page 1, In the Title, Lines 3-4, by deleting all of said lines and inserting in lieu thereof "to political subdivisions."; and

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

"66.620. 1. All county sales taxes collected by the director of revenue under sections 66.600 to 66.630 on behalf of any county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "County Sales Tax Trust Fund". The moneys in the county sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a county sales tax, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the [county] treasurer of the county and all expenditures of funds arising from the county sales tax trust fund shall be by an appropriation act to be enacted by the legislative council of the county, and to the cities, towns and villages located wholly or partly within the county which levied the tax in the manner as set forth in sections 66.600 to 66.630.

2. In any county not adopting an additional sales tax and alternate distribution system as provided in section 67.581, for the purposes of distributing the county sales tax, the county shall be divided into two groups, "Group A" and "Group B". Group A shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which had a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day prior to the adoption of the county sales tax ordinance, except that beginning January 1, 1980, group A shall consist of all cities, towns and villages which are located wholly or partly within the county

which levied the tax and which had a city sales tax approved by the voters of such city under the provisions of sections 94.500 to 94.550 on the day prior to the effective date of the county sales tax. For the purposes of determining the location of consummation of sales for distribution of funds to cities, towns and villages in group A, the boundaries of any such city, town or village shall be the boundary of that city, town or village as it existed on March 19, 1984. Group B shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which did not have a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day prior to the adoption of the county sales tax ordinance, and shall also include all unincorporated areas of the county which levied the tax; except that, beginning January 1, 1980, group B shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which did not have a city sales tax approved by the voters of such city under the provisions of sections 94.500 to 94.550 on the day prior to the effective date of the county sales tax and shall also include all unincorporated areas of the county which levied the tax.

3. Until January 1, 1994, the director of revenue shall distribute to the cities, towns and villages in group A the taxes based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087. Except for distribution governed by section 66.630, after deducting the distribution to the cities, towns and villages in group A, the director of revenue shall distribute the remaining funds in the county sales tax trust fund to the cities, towns and villages and the county in group B as follows: To the county which levied the tax, a percentage of the distributable revenue equal to the percentage ratio that the population of the unincorporated areas of the county bears to the total population of group B; and to each city, town or village in group B located wholly within the taxing county, a percentage of the distributable revenue equal to the percentage ratio that the population of such city, town or village bears to the total population of group B; and to each city, town or village located partly within the taxing county, a percentage of the distributable revenue equal to the percentage ratio that the population of that part of the city, town or village located within the taxing county bears to the total population of group B.

4. From [and after] January 1, 1994, **until December 31, 2015**, the director of revenue shall distribute to the cities, towns and villages in group A a portion of the taxes based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087 in accordance with the formula described in this subsection. After deducting the distribution to the cities, towns and villages in group A, the director of revenue shall distribute funds in the county sales tax trust fund to the cities, towns and villages and the county in group B as follows: To the county which levied the tax, ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated since April 1, 1993, multiplied by the total of all sales tax revenues countywide, and a percentage of the remaining distributable revenue equal to the percentage ratio that the population of unincorporated areas of the county bears to the total population of group B; and to each city, town or village in group B located wholly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of such city, town or village bears to the total population of group B; and to each city, town or village located partly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of that part of the city, town or village located within the taxing county bears to the total population of group B.

5. **(1) From and after January 1, 2016, the director of revenue shall distribute to the cities, towns, and villages in group A a portion of the taxes based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087, in accordance with the formula described in this subsection. After deducting the distribution to the cities, towns, and villages in group A, the director of revenue shall distribute funds in the county sales tax trust fund to the cities, towns, and villages, and the county in group B as follows: to the county which levied the tax, ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated since April 1, 1993, multiplied by the total of all sales tax revenues countywide, and a percentage of the remaining distributable revenue equal to the percentage ratio that the population of unincorporated areas of the county bears to the total population of group B as adjusted such that no city, town, or village in group B shall receive a distribution that is less than fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087; and to each city, town, or village in group B located wholly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of such city, town, or village bears to the total population of group B, as adjusted such that no city, town, or village in group B shall receive a distribution that is less than fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087; and to each city, town, or village located partly within the taxing county,**

a percentage of the remaining distributable revenue equal to the percentage ratio that the population of that part of the city, town, or village located within the taxing county bears to the total population of group B, as adjusted such that no city, town, or village in group B shall receive a distribution that is less than fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087.

(2) For purposes of making any adjustment required by this subsection, the director of revenue shall, prior to any distribution to the county or to each city, town, or village in group B located wholly or partly within the taxing county, identify each city, town, or village in group B located wholly or partly within the taxing county that would receive a distribution that is less than fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087 if no adjustment were made and calculate the difference between the amount that the distribution to each such city, town, or village would have been without any adjustment and the amount that equals fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087. The director of revenue shall then deduct the amount of such difference from the remaining distributable revenue and distribute the amount of such difference to each such city, town, or village that would otherwise have received a distribution that is less than fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087 if no adjustment were made. Thereafter, the director of revenue shall distribute the remaining distributable revenue, as adjusted, to the county and to each city, town, or village in group B located wholly or partly within the taxing county in the manner provided in this subsection.

(3) For purposes of this subsection, if a city, town, or village is partly in group A and partly in group B, the director of revenue shall calculate fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087 by multiplying fifty percent by the amount of all county sales taxes collected by the director of revenue under sections 66.600 to 66.630, less one percent for cost of collection, that are generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087, regardless of whether such taxes are deemed consummated in group A or group B.

6. (1) For purposes of administering the distribution formula of [subsection] **subsections 4 and 5** of this section, the revenues arising each year from sales occurring within each group A city, town or village shall be distributed as follows: Until such revenues reach the adjusted county average, as hereinafter defined, there shall be distributed to the city, town or village all of such revenues reduced by the percentage which is equal to ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993; and once revenues exceed the adjusted county average, total revenues shall be shared in accordance with the redistribution formula as defined in this subsection.

(2) For purposes of this subsection, the "adjusted county average" is the per capita countywide average of all sales tax distributions during the prior calendar year reduced by the percentage which is equal to ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993; the "redistribution formula" is as follows: During 1994, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of 8.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. During 1995, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of seventeen multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. From January 1, 1996, until January 1, 2000, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax

revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of 25.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. From and after January 1, 2000, the distribution formula covering the period from January 1, 1996, until January 1, 2000, shall continue to apply, except that the percentage computed for sales arising within the municipalities shall be not less than 7.5 percent for municipalities within which sales tax revenues exceed the adjusted county average, nor less than 12.5 percent for municipalities within which sales tax revenues exceed the adjusted county average by at least twenty-five percent.

(3) For purposes of applying the redistribution formula to a municipality which is partly within the county levying the tax, the distribution shall be calculated alternately for the municipality as a whole, except that the factor for annexed portion of the county shall not be applied to the portion of the municipality which is not within the county levying the tax, and for the portion of the municipality within the county levying the tax. Whichever calculation results in the larger distribution to the municipality shall be used.

(4) Notwithstanding any other provision of this section, the fifty percent of additional sales taxes as described in section 99.845 arising from economic activities within the area of a redevelopment project established after July 12, 1990, pursuant to sections 99.800 to 99.865, while tax increment financing remains in effect shall be deducted from all calculations of countywide sales taxes, shall be distributed directly to the municipality involved, and shall be disregarded in calculating the amounts distributed or distributable to the municipality. Further, any agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of incremental sales tax revenues to the special allocation fund of a tax increment financing project while tax increment financing remains in effect shall continue to be in full force and effect and the sales taxes so appropriated shall be deducted from all calculations of countywide sales taxes, shall be distributed directly to the municipality involved, and shall be disregarded in calculating the amounts distributed or distributable to the municipality. In addition, and notwithstanding any other provision of this chapter to the contrary, economic development funds shall be distributed in full to the municipality in which the sales producing them were deemed consummated. Additionally, economic development funds shall be deducted from all calculations of countywide sales taxes and shall be disregarded in calculating the amounts distributed or distributable to the municipality. As used in this subdivision, the term "economic development funds" means the amount of sales tax revenue generated in any fiscal year by projects authorized pursuant to chapter 99 or chapter 100 in connection with which such sales tax revenue was pledged as security for, or was guaranteed by a developer to be sufficient to pay, outstanding obligations under any agreement authorized by chapter 100, entered into or adopted prior to September 1, 1993, between a municipality and another public body. The cumulative amount of economic development funds allowed under this provision shall not exceed the total amount necessary to amortize the obligations involved.

[6.] 7. If the qualified voters of any city, town or village vote to change or alter its boundaries by annexing any unincorporated territory included in group B or if the qualified voters of one or more city, town or village in group A and the qualified voters of one or more city, town or village in group B vote to consolidate, the area annexed or the area consolidated which had been a part of group B shall remain a part of group B after annexation or consolidation. After the effective date of the annexation or consolidation, the annexing or consolidated city, town or village shall receive a percentage of the group B distributable revenue equal to the percentage ratio that the population of the annexed or consolidated area bears to the total population of group B and such annexed area shall not be classified as unincorporated area for determination of the percentage allocable to the county. If the qualified voters of any two or more cities, towns or villages in group A each vote to consolidate such cities, towns or villages, then such consolidated cities, towns or villages shall remain a part of group A. For the purpose of sections 66.600 to 66.630, population shall be as determined by the last federal decennial census or the latest census that determines the total population of the county and all political subdivisions therein. For the purpose of calculating the adjustment based on the percentage of unincorporated county population which is annexed after April 1, 1993, the accumulated percentage immediately before each census shall be used as the new percentage base after such census. After any annexation, incorporation or other municipal boundary change affecting the unincorporated area of the county, the chief elected official of the county shall certify the new population of the unincorporated area of the county and the percentage of the population which has been annexed or incorporated since April 1, 1993, to the director of revenue. After the adoption of the county sales tax ordinance, any city, town or village in group A may by adoption of an ordinance by its governing body cease to be a part of group A and become a part of group B. Within ten days after the adoption of the ordinance transferring the city, town or village from one group to the other, the clerk of the transferring city, town or village shall forward to the director of revenue, by registered mail, a certified copy of the ordinance. Distribution to such city as a part of its former group shall cease and as a part of its new group shall



begin on the first day of January of the year following notification to the director of revenue, provided such notification is received by the director of revenue on or before the first day of July of the year in which the transferring ordinance is adopted. If such notification is received by the director of revenue after the first day of July of the year in which the transferring ordinance is adopted, then distribution to such city as a part of its former group shall cease and as a part of its new group shall begin the first day of July of the year following such notification to the director of revenue. Once a group A city, town or village becomes a part of group B, such city may not transfer back to group A.

[7.] 8. If any city, town or village shall hereafter change or alter its boundaries, the city clerk of the municipality shall forward to the director of revenue, by registered mail, a certified copy of the ordinance adding or detaching territory from the municipality. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the municipality clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 66.600 to 66.630 shall be redistributed and allocated in accordance with the provisions of this section on the effective date of the change of the municipal boundary so that the proper percentage of group B distributable revenue is allocated to the municipality in proportion to any annexed territory. If any area of the unincorporated county elects to incorporate subsequent to the effective date of the county sales tax as set forth in sections 66.600 to 66.630, the newly incorporated municipality shall remain a part of group B. The city clerk of such newly incorporated municipality shall forward to the director of revenue, by registered mail, a certified copy of the incorporation election returns and a map of the municipality clearly showing the boundaries thereof. The certified copy of the incorporation election returns shall reflect the effective date of the incorporation. Upon receipt of the incorporation election returns and map, the tax imposed by sections 66.600 to 66.630 shall be distributed and allocated in accordance with the provisions of this section on the effective date of the incorporation.

[8.] 9. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

[9.] 10. Except as modified in sections 66.600 to 66.630, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under sections 66.600 to 66.630."; and

Further amend said bill, Section 72.401, Page 4, Line 92, by inserting the following after all of said line:

**"94.860. 1. Notwithstanding the provisions of subsection 1 of section 67.582, the governing body of a county with a charter form of government and with more than nine hundred fifty thousand inhabitants is authorized to impose by ordinance a sales tax in the amount of up to one-half of one percent on all retail sales made in the part of the county outside of incorporated cities, towns and villages which are subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of providing law enforcement services to such county. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance imposing a sales tax pursuant to this section shall be effective unless the governing body of the county submits to the voters residing in the part of the county outside of incorporated cities, towns and villages, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax.**

**2. The ballot submission for the proposal to authorize imposition of the tax authorized by this section shall contain substantially the following language:**

**Shall (name of charter county) impose a sales tax of (insert amount) in the part of (name of charter county) outside of incorporated cities, towns and villages for the purpose of providing law enforcement services for the county?**

Yes                No   

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

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance and any amendments thereto shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted sooner than twelve months from the date of the last proposal pursuant to this section.

3. The revenue received by a county treasurer from the tax authorized under the provisions of this section shall be deposited in a special trust fund and used solely for providing law enforcement services in the part of the county outside of incorporated cities, towns and villages, for so long as the tax shall remain in effect. Revenue placed in the special trust fund may also be utilized for capital improvement projects for law enforcement facilities serving the part of the county outside of incorporated cities, towns and villages. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

4. The sales taxes collected by the director of revenue pursuant to this section on behalf of a county with a charter form of government and with more than nine hundred fifty thousand inhabitants shall be deposited in the "County Law Enforcement Sales Tax Trust Fund" created by subsection 5 of section 67.582, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087. The moneys in the trust funds shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trusts and which were collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of the officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during each month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the tax authorized by this section shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the funds for any functions authorized in the ordinance adopted by the governing body submitting the tax to the voters.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days before the effective date of the repeal and the director of revenue may order retention in the appropriate trust fund, for a period of one year, or two percent of the amount collected after receipt of such notice to cover possible refunds and overpayments of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the accounts of that county established pursuant to this section. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from the receipts due to the county.

6. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section."; and

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

*House Committee Amendment No. 2*

AMEND Senate Bill No. 221, Page 1, Section A, Line 2, by inserting immediately after said line the following:

"72.150. When two or more cities, towns or villages in this state adjoining and contiguous to each other in the same or adjoining county or two or more cities, towns or villages located in a county of the second classification having a population of at least forty-seven thousand but not more than forty-nine thousand which are not adjoining and contiguous to each other but whose combined territory when combined will be contiguous **or when two or more cities, towns, or villages located in a county of the first classification or a county of the second classification that have entered into one or more intergovernmental agreements related to municipal services**

**and are separated by a distance of not more than one mile and are connected by at least two public maintained rights of way** shall be desirous of being consolidated, it shall be lawful for them to consolidate under one government of the classification under which any of them was organized or the classification provided for the consolidated population, in the manner and subject to the provisions prescribed in sections 72.150 to 72.220. Any cities, towns or villages within any county with a charter form of government where fifty or more cities, towns and villages have been incorporated shall consolidate pursuant to the provisions of section 72.420."; and

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

**Committee on Pensions, Chairman Walker reporting:**

Mr. Speaker: Your Committee on Pensions, to which was referred **SCS SB 270**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 2**, and pursuant to Rule 27(6) be referred to the Select Committee on Financial Institutions and Taxation.

*House Committee Amendment No. 2*

AMEND Senate Committee Substitute for Senate Bill No. 270, Page 1, In the Title, Line 3, by deleting the words, "members of the boards of trustees of"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after all of said line the following:

"169.070. 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or who has attained age fifty-five and whose creditable service is twenty-five years or more or whose creditable service is thirty years or more regardless of age, may be the sum of the following items, not to exceed one hundred percent of the member's final average salary:

- (1) Two and five-tenths percent of the member's final average salary for each year of membership service;
- (2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years. In lieu of the retirement allowance otherwise provided in subdivisions (1) and (2) of this subsection, a member may elect to receive a retirement allowance of:
- (3) Two and four-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years, and the member has not attained age fifty-five;
- (4) Two and thirty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained age fifty-five;
- (5) Two and three-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years, and the member has not attained age fifty-five;
- (6) Two and twenty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years, and the member has not attained age fifty-five;
- (7) Two and two-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-five years or more but less than twenty-six years, and the member has not attained age fifty-five;
- (8) [Between July 1, 2001, and July 1, 2014,] Two and fifty-five hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is thirty-one years or more regardless of age.

2. In lieu of the retirement allowance provided in subsection 1 of this section, a member whose age is sixty years or more on September 28, 1975, may elect to have the member's retirement allowance calculated as a sum of the following items:

- (1) Sixty cents plus one and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years;

(3) Three-fourths of one percent of the sum of subdivisions (1) and (2) of this subsection for each month of attained age in excess of sixty years but not in excess of age sixty-five.

3. (1) In lieu of the retirement allowance provided either in subsection 1 or 2 of this section, collectively called "option 1", a member whose creditable service is twenty-five years or more or who has attained the age of fifty-five with five or more years of creditable service may elect in the member's application for retirement to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2. Upon the member's death the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the retired member elected option 1;

OR

Option 3. Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 4. Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 5. Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the total of the remainder of such one hundred twenty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the one hundred twenty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum;

OR

Option 6. Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the total of the remainder of such sixty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the sixty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated to receive the survivorship payments dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after acquiring twenty-five or more years of creditable service or after attaining the age of fifty-five years and acquiring five or more years of creditable service and before retirement, except retirement with disability benefits, and the person named by the member as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship benefits under option 2 or a payment of the accumulated contributions of the

member. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section;

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either a payment of the member's accumulated contributions, or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the member's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section.

4. If the total of the retirement or disability allowance paid to an individual before the death of the individual is less than the accumulated contributions at the time of retirement, the difference shall be paid to the beneficiary of the individual, or to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the individual in that order of precedence. If an optional benefit as provided in option 2, 3 or 4 in subsection 3 of this section had been elected, and the beneficiary dies after receiving the optional benefit, and if the total retirement allowance paid to the retired individual and the beneficiary of the retired individual is less than the total of the contributions, the difference shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence, unless the retired individual designates a different recipient with the board at or after retirement.

5. If a member dies and his or her financial institution is unable to accept the final payment or payments due to the member, the final payment or payments shall be paid to the beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated. If the beneficiary of a deceased member dies and his or her financial institution is unable to accept the final payment or payments, the final payment or payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated.

6. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the death of the member shall be paid to the beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or to the estate of the member, in that order of precedence; except that, no such payment shall be made if the beneficiary elects option 2 in subsection 3 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence.

7. If a member ceases to be a public school employee as herein defined and certifies to the board of trustees that such cessation is permanent, or if the membership of the person is otherwise terminated, the member shall be paid the member's accumulated contributions with interest.

8. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, if a member ceases to be a public school employee after acquiring five or more years of membership service in Missouri, the member may at the option of the member leave the member's contributions with the retirement system and claim a retirement allowance any time after reaching the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.010 to 169.141 on the basis of the member's age, years of service, and the provisions of the law in effect at the time the member requests the member's retirement to become effective.

9. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty, or fifty percent of one-twelfth of the annual salary rate used in determining the member's contributions during the last school year for which the member received a year of creditable service immediately prior to the member's disability, whichever is greater, except that no such allowance shall exceed the retirement allowance to which the member would have been entitled upon retirement at age sixty if the member had continued to teach from the date of disability until age sixty at the same salary rate.

10. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, from October 13, 1961, the contribution rate pursuant to sections 169.010 to 169.141 shall be multiplied by the factor of two-thirds for any member of the system for whom federal Old Age and Survivors Insurance tax is paid from state or local tax funds on account of the member's employment entitling the person to membership in the system. The monetary benefits for a

member who elected not to exercise an option to pay into the system a retroactive contribution of four percent on that part of the member's annual salary rate which was in excess of four thousand eight hundred dollars but not in excess of eight thousand four hundred dollars for each year of employment in a position covered by this system between July 1, 1957, and July 1, 1961, as provided in subsection 10 of this section as it appears in RSMo, 1969, shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, and prior to July 1, 1961, the benefits provided in this section as it appears in RSMo, 1959; except that if the member has at least thirty years of creditable service at retirement the member shall receive the benefit payable pursuant to that section as though the member's age were sixty-five at retirement;

(4) For years of membership service after July 1, 1961, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

11. The monetary benefits for each other member for whom federal Old Age and Survivors Insurance tax is or was paid at any time from state or local funds on account of the member's employment entitling the member to membership in the system shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

12. Any retired member of the system who was retired prior to September 1, 1972, or beneficiary receiving payments under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 1, 1972, will be eligible to receive an increase in the retirement allowance of the member of two percent for each year, or major fraction of more than one-half of a year, which the retired member has been retired prior to July 1, 1975. This increased amount shall be payable commencing with January, 1976, and shall thereafter be referred to as the member's retirement allowance. The increase provided for in this subsection shall not affect the retired member's eligibility for compensation provided for in section 169.580 or 169.585, nor shall the amount being paid pursuant to these sections be reduced because of any increases provided for in this section.

13. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases two percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by two percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board with the provision that the increases provided for in this subsection shall not become effective until the fourth January first following the member's retirement or January 1, 1977, whichever later occurs, or in the case of any member retiring on or after July 1, 2000, the increase provided for in this subsection shall not become effective until the third January first following the member's retirement, or in the case of any member retiring on or after July 1, 2001, the increase provided for in this subsection shall not become effective until the second January first following the member's retirement. Commencing with January 1, 1992, if the board of trustees determines that the cost of living has increased five percent or more in the preceding fiscal year, the board shall increase the retirement allowances by five percent. The total of the increases granted to a retired member or the beneficiary after December 31, 1976, may not exceed eighty percent of the retirement allowance established at retirement or as previously adjusted by other subsections. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

14. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 13 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; except that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1976.

15. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

16. Notwithstanding any other provision of law, any person retired prior to September 28, 1983, who is receiving a reduced retirement allowance under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 28, 1983, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have his or her retirement allowance increased to the amount he or she would have been receiving had the option not been elected, actuarially adjusted to recognize any excessive benefits which would have been paid to him or her up to the time of application.

17. Benefits paid pursuant to the provisions of the public school retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code except as provided pursuant to this subsection. Notwithstanding any other law to the contrary, the board of trustees may establish a benefit plan pursuant to Section 415(m) of Title 26 of the United States Code. Such plan shall be created solely for the purpose described in Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

18. Notwithstanding any other provision of law to the contrary, any person retired before, on, or after May 26, 1994, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive an amount based on the person's years of service so that the total amount received pursuant to sections 169.010 to 169.141 shall be at least the minimum amounts specified in subdivisions (1) to (4) of this subsection. In determining the minimum amount to be received, the amounts in subdivisions (3) and (4) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance. In determining the minimum amount to be received, beginning September 1, 1996, the amounts in subdivisions (1) and (2) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance due to election of an optional form of retirement having a continued monthly payment after the person's death. Notwithstanding any other provision of law to the contrary, no person retired before, on, or after May 26, 1994, and no beneficiary of such a person, shall receive a retirement benefit pursuant to sections 169.010 to 169.141 based on the person's years of service less than the following amounts:

- (1) Thirty or more years of service, one thousand two hundred dollars;
- (2) At least twenty-five years but less than thirty years, one thousand dollars;
- (3) At least twenty years but less than twenty-five years, eight hundred dollars;
- (4) At least fifteen years but less than twenty years, six hundred dollars.

19. Notwithstanding any other provisions of law to the contrary, any person retired prior to May 26, 1994, and any designated beneficiary of such a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement or aging and upon request shall give written or oral opinions to the board in response to such requests. Beginning September 1, 1996, as compensation for such service, the member shall have added, pursuant to this subsection, to the member's monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. Beginning September 1, 1999, the designated beneficiary of the deceased member shall as compensation for such service have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. The total compensation provided by this section including the compensation provided by this subsection shall be used in calculating any future cost-of-living adjustments provided by subsection 13 of this section.

20. Any member who has retired prior to July 1, 1998, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive a payment equivalent to eight and seven-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

21. Any member who has retired shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such request. As compensation for such duties, the beneficiary of the retired

member, or, if there is no beneficiary, the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the retired member, in that order of precedence, shall receive as a part of compensation for these duties a death benefit of five thousand dollars.

22. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to five dollars times the member's number of years of creditable service.

23. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a payment equivalent to three and five-tenths percent of the previous month's benefit, which shall be added to the member or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

24. Any member who has retired prior to July 1, 2001, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a dollar amount equal to three dollars times the member's number of years of creditable service, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

169.141. 1. Any person receiving a retirement allowance under sections 169.010 to 169.140, and who elected a reduced retirement allowance under subsection 3 of section 169.070 with his spouse as the nominated beneficiary, may nominate a successor beneficiary under either of the following circumstances:

(1) If the nominated beneficiary precedes the retired person in death, the retired person may, upon remarriage, nominate the new spouse under the same option elected in the application for retirement;

(2) If the marriage of the retired person and the nominated beneficiary is dissolved, and if the dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance, the retired person may, upon remarriage, nominate the new spouse under the same option elected in the application for retirement.

2. Any nomination of a successor beneficiary under subdivision (1) or (2) of subsection 1 of this section must be made in accordance with procedures established by the board of trustees, and must be filed within ninety days of May 6, 1993, or within [ninety days] **one year** of the remarriage, whichever later occurs. Upon receipt of a successor nomination filed in accordance with those procedures, the board shall adjust the retirement allowance to reflect actuarial considerations of that nomination as well as previous beneficiary and successor beneficiary nominations.

**3. Any person receiving a retirement allowance under sections 169.010 to 169.140, and who elected a reduced retirement allowance under subsection 3 of section 169.070 with his or her spouse as the nominated beneficiary may have the retirement allowance increased to the amount the retired member would be receiving had the retired member elected option 1 if:**

**(1) The marriage of the retired person and the nominated spouse is dissolved on or after September 1, 2015;**

**(2) If the dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance; and**

**(3) The person would have received under subsection 3 of section 169.070.**

**Any such increase in the retirement allowance shall be effective upon the receipt of an application for such increase and a certified copy of the decree of dissolution that meets the requirements of this section.";** and

Further amend said bill, Page 5, Section 169.291, Line 142, by inserting after all of said line the following:

"169.324. 1. The annual service retirement allowance payable pursuant to section 169.320 shall be the retirant's number of years of creditable service multiplied by a percentage of the retirant's average final compensation, determined as follows:



(1) A retirant whose last employment as a regular employee ended prior to June 30, 1999, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation;

(2) A retirant whose number of years of creditable service is greater than thirty-four and one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993;

(3) A retirant who was an active member of the retirement system at any time on or after June 30, 1999, and who either retires before January 1, 2014, or is a member of the retirement system on December 31, 2013, and remains a member continuously to retirement shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by two percent of the person's average final compensation, subject to a maximum of sixty percent of the person's final compensation;

(4) A retirant who becomes a member of the retirement system on or after January 1, 2014, including any retirant who was a member of the retirement system before January 1, 2014, but ceased to be a member for any reason other than retirement, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation;

(5) Notwithstanding the provisions of subdivisions (1) to (4) of this subsection, effective January 1, 1996, any retirant who retired on, before or after January 1, 1996, with at least twenty years of creditable service shall receive at least three hundred dollars each month as a retirement allowance, or the actuarial equivalent thereof if the retirant elected any of the options available under section 169.326. Any retirant who retired with at least ten years of creditable service shall receive at least one hundred fifty dollars each month as a retirement allowance, plus fifteen dollars for each additional full year of creditable service greater than ten years but less than twenty years (or the actuarial equivalent thereof if the retirant elected any of the options available under section 169.326). Any beneficiary of a deceased retirant who retired with at least ten years of creditable service and elected one of the options available under section 169.326 shall also be entitled to the actuarial equivalent of the minimum benefit provided by this subsection, determined from the option chosen.

2. Except as otherwise provided in sections 169.331, 169.580 and 169.585, payment of a retirant's retirement allowance will be suspended for any month for which such person receives remuneration from the person's employer or from any other employer in the retirement system established by section 169.280 for the performance of services except any such person other than a person receiving a disability retirement allowance under section 169.322 may serve as a nonregular substitute, part-time or temporary employee for not more than six hundred hours in any school year without becoming a member and without having the person's retirement allowance discontinued, provided that through such substitute, part-time, or temporary employment, the person may earn no more than fifty percent of the annual salary or wages the person was last paid by the employer before the person retired and commenced receiving a retirement allowance, adjusted for inflation. If a person exceeds such hours limit or such compensation limit, payment of the person's retirement allowance shall be suspended for the month in which such limit was exceeded and each subsequent month in the school year for which the person receives remuneration from any employer in the retirement system. **In addition to the conditions set forth above, this subsection shall apply to any person retired and currently receiving a retirement allowance under sections 169.270 to 169.400, other than for disability, who is employed by a third party or is performing work as an independent contractor if such person is performing work in a district included in the retirement system as a temporary or long-term substitute teacher or in any other position that would normally require that person to be duly certificated under the laws governing the certification of teachers in Missouri if such person was employed by the district. The retirement system may require the district, the third-party employer, the independent contractor, and the retiree subject to this subsection to provide documentation showing compliance with this subsection. If such documentation is not provided, the retirement system may deem the retiree to have exceeded the limitations provided in this subsection.** If a retirant is reemployed by any employer in any capacity, whether pursuant to this section, or section 169.331, 169.580, or 169.585, or as a regular employee, the amount of such person's retirement allowance attributable to service prior to the person's first retirement date shall not be changed by the reemployment. If the person again becomes an active member and earns additional creditable service, upon the person's second retirement the person's retirement allowance shall be the sum of:

(1) The retirement allowance the person was receiving at the time the person's retirement allowance was suspended, pursuant to the payment option elected as of the first retirement date, plus the amount of any increase in such retirement allowance the person would have received pursuant to subsection 3 of this section had payments not been suspended during the person's reemployment; and

(2) An additional retirement allowance computed using the benefit formula in effect on the person's second retirement date, the person's creditable service following reemployment, and the person's average final annual compensation as of the second retirement date. The sum calculated pursuant to this subsection shall not exceed the greater of sixty percent of the person's average final compensation as of the second retirement date or the amount determined pursuant to subdivision (1) of this subsection. Compensation earned prior to the person's first retirement date shall be considered in determining the person's average final compensation as of the second retirement date if such compensation would otherwise be included in determining the person's average final compensation.

3. The board of trustees shall determine annually whether the investment return on funds of the system can provide for an increase in benefits for retirants eligible for such increase. A retirant shall and will be eligible for an increase awarded pursuant to this section as of the second January following the date the retirant commenced receiving retirement benefits. Any such increase shall also apply to any monthly joint and survivor retirement allowance payable to such retirant's beneficiaries, regardless of age. The board shall make such determination as follows:

(1) After determination by the actuary of the investment return for the preceding year as of December thirty-first (the "valuation year"), the actuary shall recommend to the board of trustees what portion of the investment return is available to provide such benefits increase, if any, and shall recommend the amount of such benefits increase, if any, to be implemented as of the first day of the thirteenth month following the end of the valuation year, and first payable on or about the first day of the fourteenth month following the end of the valuation year. The actuary shall make such recommendations so as not to affect the financial soundness of the retirement system, recognizing the following safeguards:

(a) The retirement system's funded ratio as of January first of the year preceding the year of a proposed increase shall be at least one hundred percent after adjusting for the effect of the proposed increase. The funded ratio is the ratio of assets to the pension benefit obligation;

(b) The actuarially required contribution rate, after adjusting for the effect of the proposed increase, may not exceed the then applicable employer and member contribution rate as determined under subsection 4 of section 169.350;

(c) The actuary shall certify to the board of trustees that the proposed increase will not impair the actuarial soundness of the retirement system;

(d) A benefit increase, under this section, once awarded, cannot be reduced in succeeding years;

(2) The board of trustees shall review the actuary's recommendation and report and shall, in their discretion, determine if any increase is prudent and, if so, shall determine the amount of increase to be awarded.

4. This section does not guarantee an annual increase to any retirant.

5. If an inactive member becomes an active member after June 30, 2001, and after a break in service, unless the person earns at least four additional years of creditable service without another break in service, upon retirement the person's retirement allowance shall be calculated separately for each separate period of service ending in a break in service. The retirement allowance shall be the sum of the separate retirement allowances computed for each such period of service using the benefit formula in effect, the person's average final compensation as of the last day of such period of service and the creditable service the person earned during such period of service; provided, however, if the person earns at least four additional years of creditable service without another break in service, all of the person's creditable service prior to and including such service shall be aggregated and, upon retirement, the retirement allowance shall be computed using the benefit formula in effect and the person's average final compensation as of the last day of such period of four or more years and all of the creditable service the person earned prior to and during such period.

6. Notwithstanding anything contained in this section to the contrary, the amount of the annual service retirement allowance payable to any retirant pursuant to the provisions of sections 169.270 to 169.400, including any adjustments made pursuant to subsection 3 of this section, shall at all times comply with the provisions and limitations of Section 415 of the Internal Revenue Code of 1986, as amended, and the regulations thereunder, the terms of which are specifically incorporated herein by reference.

7. All retirement systems established by the laws of the state of Missouri shall develop a procurement action plan for utilization of minority and women money managers, brokers and investment counselors. Such retirement systems shall report their progress annually to the joint committee on public employee retirement and the governor's minority advocacy commission.

169.715. 1. Any person receiving a retirement allowance under sections 169.600 to 169.712, and who elected a reduced retirement allowance under subsection 4 of section 169.670 with his spouse as the nominated beneficiary, may nominate a successor beneficiary under either of the following circumstances:

(1) If the nominated beneficiary precedes the retired person in death, the retired person may, upon remarriage, nominate the new spouse under the same option elected in the application for retirement;

(2) If the marriage of the retired person and the nominated beneficiary is dissolved, and if the dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance, the retired person may, upon remarriage, nominate the new spouse under the same option elected in the application for retirement.

2. Any nomination of a successor beneficiary under subdivision (1) or (2) of subsection 1 of this section must be made in accordance with procedures established by the board of trustees, and must be filed within ninety days of May 6, 1993, or within [ninety days] **one year** of the remarriage, whichever later occurs. Upon receipt of a successor nomination filed in accordance with those procedures, the board shall adjust the retirement allowance to reflect actuarial considerations of that nomination as well as previous beneficiary and successor beneficiary nominations.

**3. Any person receiving a retirement allowance under sections 169.600 to 169.715, and who elected a reduced retirement allowance under subsection 3 of section 169.670 with his or her spouse as the nominated beneficiary may have the retirement allowance increased to the amount the retired member would be receiving had the retired member elected option 1 if:**

**(1) The marriage of the retired person and the nominated spouse is dissolved on or after September 1, 2015;**

**(2) If the dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance; and**

**(3) The person would have received under subsection 4 of section 169.670.**

**Any such increase in the retirement allowance shall be effective upon the receipt of an application for such increase and a certified copy of the decree of dissolution that meets the requirements of this section. ";**  
and

Further amend said bill, Page 5, Section 169.450, Lines 3-4, by deleting the words "[eleven] **twelve**" and inserting in lieu thereof the word "eleven"; and

Further amend said bill, page, and section, Lines 15-16, by deleting all of said lines and inserting in lieu thereof the following:

"further, that [not more than] **at least** two of such persons shall be teachers and [two] **not more than one** be a nonteacher[s], **and beginning in 2016, one shall be a person employed as a teacher or administrator at a charter school, as "charter school" is defined in section 169.270, and elected for a term of four years by the members of the retirement system.**"; and

Further amend said bill, page, and section, Lines 30-33, by deleting all of said lines; and

Further amend said section, Page 7, Lines 80-81, by deleting the words "[Six] **Seven**" and inserting in lieu thereof the word "Six"; and

Further amend said bill, Page 9, Section 169.450, Line 137, by inserting after all of said line the following:

"169.560. Any person retired and currently receiving a retirement allowance pursuant to sections 169.010 to 169.141, other than for disability, may be employed in any capacity in a district included in the retirement system created by those sections on either a part-time or temporary-substitute basis not to exceed a total of five hundred fifty hours in any one school year, and through such employment may earn up to fifty percent of the annual compensation payable under the [employing] district's salary schedule for the position or positions filled by the retiree, given such person's level of experience and education, without a discontinuance of the person's retirement allowance. If the [employing] school district does not utilize a salary schedule, or if the position in question is not subject to the [employing] district's salary schedule, a retiree employed in accordance with the provisions of this section may earn up to fifty percent of the annual compensation paid to the person or persons who last held such position or positions. If the position or positions did not previously exist, the compensation limit shall be determined in accordance with

rules duly adopted by the board of trustees of the retirement system; provided that, it shall not exceed fifty percent of the annual compensation payable for the position in the [employing] school district that is most comparable to the position filled by the retiree. In any case where a retiree fills more than one position during the school year, the fifty-percent limit on permitted earning shall be based solely on the annual compensation of the highest paid position occupied by the retiree for at least one-fifth of the total hours worked during the year. Such a person shall not contribute to the retirement system or to the public education employee retirement system established by sections 169.600 to 169.715 because of earnings during such period of employment. If such a person is employed in any capacity by such a district [on a regular, full-time basis,] **in excess of the limitations set forth in this section**, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed. **In addition, such person [and] shall contribute to the retirement system, if the person satisfies the retirement system's membership eligibility requirements. In addition to the conditions set forth above, this section shall apply to any person retired and currently receiving a retirement allowance under sections 169.010 to 169.141, other than for disability, who is employed by a third party or is performing work as an independent contractor if such person is performing work in a district included in the retirement system as a temporary or long-term substitute teacher or in any other position that would normally require that person to be duly certificated under the laws governing the certification of teachers in Missouri if such person was employed by the district. The retirement system may require the district, the third-party employer, the independent contractor, and the retiree subject to this section to provide documentation showing compliance with this section. If such documentation is not provided, the retirement system may deem the retiree to have exceeded the limitations provided in this section.**

Section B. Because of the importance of providing an additional retirement allowance option to Missouri teachers, section 169.070 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 169.070 of section A of this act shall be in full force and effect upon its passage and approval. "; and

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

Mr. Speaker: Your Committee on Pensions, to which was referred **SB 283**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(6) be referred to the Select Committee on Financial Institutions and Taxation.

**Committee on Professional Registration and Licensing**, Chairman Burlison reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 1113**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(7) be referred to the Select Committee on General Laws.

**Committee on Property, Casualty, and Life Insurance**, Chairman Shull reporting:

Mr. Speaker: Your Committee on Property, Casualty, and Life Insurance, to which was referred **HB 1040**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(8) be referred to the Select Committee on Insurance.

*House Committee Amendment No. 1*

AMEND House Bill No. 1040, Page 1, In the Title, Line 3, by deleting the words "title insurance" and inserting in lieu thereof the words "titles to property"; and

Further amend said bill, Page 4, Section 381.058, Line 32, by inserting immediately after all of said section and line the following:

"456.950. 1. As used in this section, "qualified spousal trust" means a trust:

(1) The settlors of which are [husband and wife] **married to each other** at the time of the creation of the trust; and

(2) The terms of which provide that during the joint lives of the settlors all property [or interests in property] transferred to, or held by, the trustee are:

(a) Held and administered in one trust for the benefit of both settlors, revocable by either **settlor** or both settlors [acting together] while either or both are alive, and each settlor having the right to receive distributions of income or principal, whether mandatory or within the discretion of the trustee, from the entire trust for the joint lives of the settlors and for the survivor's life; or

(b) Held and administered in two separate shares of one trust for the benefit of each of the settlors, with the trust revocable by each settlor with respect to that settlor's separate share of that trust without the participation or consent of the other settlor, and each settlor having the right to receive distributions of income or principal, whether mandatory or within the discretion of the trustee, from that settlor's separate share for that settlor's life; or

(c) Held and administered under the terms and conditions contained in paragraphs (a) and (b) of this subdivision.

2. A qualified spousal trust may contain any other trust terms that are not inconsistent with the provisions of this section, **including, without limitation, a discretionary power to distribute trust property to a person in addition to a settlor.**

3. [Any property or interests in property that are at any time transferred to the trustee of a qualified spousal trust of which the husband and wife are the settlors, shall thereafter be administered as provided by the trust terms in accordance with paragraph (a), (b), or (c) of subdivision (2) of subsection 1 of this section. All trust property and interests in property that is deemed for purposes of this section to be held as tenants by the entirety, including the proceeds thereof, the income thereon, and any property into which such property, proceeds, or income may be converted, shall have the same immunity from the claims of the separate creditors of the settlors as would have existed if the settlors had continued to hold that property as husband and wife as tenants by the entirety. Property or interests in property held by a husband and wife as tenants by the entirety or as joint tenants or other form of joint ownership with right of survivorship shall be conclusively deemed for purposes of this section to be held as tenants by the entirety upon its transfer to the qualified spousal trust. All such transfers shall retain said immunity, so long as:

(1) Both settlors are alive and remain married; and

(2) The property, proceeds, or income continue to be held in trust by the trustee of the qualified spousal trust] **All property at any time held in a qualified spousal trust, without regard to how such property was titled prior to it being so held, shall have the same immunity from the claims of a separate creditor of either settlor as if such property were held outside the trust by the settlors as tenants by the entirety, unless otherwise provided in writing by the settlor or settlors who transferred such property to the trust, and such property shall be treated for that purpose, including without limitation, federal and state bankruptcy laws, as tenants by entirety property. Property held in a qualified spousal trust shall cease to receive immunity from the claims of creditors upon the dissolution of marriage of the settlors by a court.**

4. [Property or interests in property held by a husband and wife or held in the sole name of a husband or wife that are not held as tenants by the entirety or deemed held as tenants by the entirety for purposes of this section and are transferred to a qualified spousal trust shall be held as directed in the qualified spousal trust's governing instrument or in the instrument of transfer and the rights of any claimant to any interest in that property shall not be affected by this section] **As used in this section, "property" means any interest in any type of property held in a qualified spousal trust, the income thereon, and any property into which such interest, proceeds, or income may be converted.**

5. Upon the death of each settlor, all property [and interests in property] held by the trustee of the qualified spousal trust shall be distributed as directed by the then current terms of the governing instrument of such trust. Upon the death of the first settlor to die, if immediately prior to death the predeceased settlor's interest in the qualified spousal trust was then held in such settlor's separate share, the property [or interests in property] **held** in such settlor's separate share may pass into an irrevocable trust for the benefit of the surviving settlor upon such terms as the governing instrument shall direct, including without limitation a spendthrift provision as provided in section 456.5-502.

6. **The respective rights of settlors who are married to each other in any property for purposes of a dissolution of the settlors' marriage shall not be affected or changed by reason of the transfer of that property to, or its subsequent administration as an asset of, a qualified spousal trust during the marriage of the settlors, unless both settlors expressly agree otherwise in writing.**

7. No transfer [by a husband and wife as settlors] to a qualified spousal trust shall [affect or change either settlor's marital property rights to the transferred property or interest therein immediately prior to such transfer in the event of dissolution of marriage of the spouses, unless both spouses otherwise expressly agree in writing] **avoid or defeat the Missouri uniform transfer act in chapter 428.**

[7.] **8.** This section shall apply to all trusts which fulfill the criteria set forth in this section for a qualified spousal trust regardless of whether such trust was created before, **on**, or after August 28, 2011.

**456.1-113. Any transfer of an asset to a trustee of a trust, to such trust itself, or to a share of such trust, in a manner that is reasonably calculated to identify such trust or that share of such trust, subjects that asset to the terms of such trust or that share.";** and

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

Mr. Speaker: Your Committee on Property, Casualty, and Life Insurance, to which was referred **SB 205**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(8) be referred to the Select Committee on Insurance.

Mr. Speaker: Your Committee on Property, Casualty, and Life Insurance, to which was referred **SB 282**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(8) be referred to the Select Committee on Insurance.

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

Mr. Speaker: Your Committee on Public Safety and Emergency Preparedness, to which was referred **HB 602**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

*House Committee Amendment No. 1*

AMEND House Bill No. 602, Page 2, Section 563.046, Lines 15-16, by deleting all of said lines and inserting in lieu thereof the following:

- "(a) Has committed or attempted to commit a felony; [or]
- (b) Is attempting to escape [by use of a deadly weapon; or]; **and**"; and

Further amend said bill, page, section, Lines 21-24, by deleting all of said lines; and

Further amend said bill, page, the second occurrence of Section 563.046, Lines 15-16, by deleting all of said lines and inserting in lieu thereof the following:

- "(a) Has committed or attempted to commit a felony; [or]
- (b) Is attempting to escape [by use of a deadly weapon; or]; **and**"; and

Further amend said bill, page, section, Lines 21-24, by deleting all of said lines; and

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

Mr. Speaker: Your Committee on Public Safety and Emergency Preparedness, to which was referred **HB 1137**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

Mr. Speaker: Your Committee on Public Safety and Emergency Preparedness, to which was referred **HB 1170**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

Mr. Speaker: Your Committee on Public Safety and Emergency Preparedness, to which was referred **SB 231**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

**Committee on Veterans**, Chairman Davis reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **SB 116**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 27(11)(d) be referred to the Select Committee on Rules.

**Committee on Ways and Means**, Chairman Koenig reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 879**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(6) be referred to the Select Committee on Financial Institutions and Taxation.

*House Committee Amendment No. 1*

AMEND House Bill No. 879, Page 1, Section 137.018, Line 3, by inserting after the word, "**companies**" the following words, "**under 532412 or 532210 of the 2012 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget**"; and

Further amend said bill, page, section, Line 7, by deleting all of said line and inserting in lieu thereof the following:

"**merchandise held or owned by a merchant whether or not currently subject to a short term rental and which will**"; and

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

**Select Committee on Social Services**, Chairman Allen reporting:

Mr. Speaker: Your Select Committee on Social Services, to which was referred **HB 867**, **with House Committee Amendment No. 1**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SS#2 SCS SB 24** and has taken up and passed **CCS HCS SS#2 SCS SB 24**.

**COMMITTEE CHANGES**

April 14, 2015

Mr. Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
State Capitol, Room 306C  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Mike Cierpiot from the Committee on Utility Infrastructure and appoint Representative Jeanie Lauer.

If you have any questions, please feel free to contact my office.

Very truly yours,

/s/ John J. Diehl, Jr.  
Speaker  
Missouri House of Representatives  
District 89

---

April 14, 2015

Mr. Adam Crumbliss, Chief Clerk  
Missouri House of Representatives  
State Capitol 306C  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Michael Butler and appoint Representative Alan Green to the Select Committee on Commerce.

If you have any questions please do not hesitate to contact my office.

Sincerely,

/s/ Jacob Hummel  
House Minority Floor Leader  
District 81

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE SUBSTITUTE NO. 2  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 24**



The Conference Committee appointed on House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 24, with House Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 24, as amended;

2. That the Senate recede from its position on Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 24;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 24 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Sater  
/s/ Gary Romine  
/s/ Jeanie Riddle

FOR THE HOUSE:

/s/ Diane Franklin  
/s/ Sue Allen  
/s/ Marsha Haefner

#### **REFERRAL OF CONFERENCE COMMITTEE REPORTS**

**CCR HCS SS#2 SCS SB 24** - Fiscal Review

#### **ADJOURNMENT**

On motion of Representative Richardson, the House adjourned until 10:00 a.m., Wednesday, April 15, 2015.

#### **COMMITTEE HEARINGS**

##### **CIVIL AND CRIMINAL PROCEEDINGS**

Wednesday, April 15, 2015, 12:00 PM, House Hearing Room 1.

Public hearing will be held: HB 407, HB 877, HB 1124, HB 1209, HB 1220

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

##### **CONFERENCE COMMITTEE ON BUDGET**

Thursday, April 16, 2015, 8:15 AM, House Hearing Room 3.

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

Conference Committee Meeting on House Appropriations Bills: SCS HCS HB 2, SCS HCS HB 3, SCS HCS HB 4, SCS HCS HB 5, SCS HCS HB 6, SCS HCS HB 7, SCS HCS HB 8, SCS HCS HB 9, SCS HCS HB 10, SCS HCS HB 11, SS SCS HCS HB 12, SCS HCS HB 13

#### CONSERVATION AND NATURAL RESOURCES

Wednesday, April 15, 2015, Upon Conclusion of Morning Session, South Gallery.

Executive session will be held: HB 1094, HB 1096

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

#### CORRECTIONS

Wednesday, April 15, 2015, 8:00 AM, House Hearing Room 5.

Public hearing will be held: HB 1218

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

#### EMERGING ISSUES

Wednesday, April 15, 2015, 1:00 PM, House Hearing Room 5.

Public hearing will be held: HB 1282, SB 148, SCS SB 38

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

#### EMERGING ISSUES IN EDUCATION

Monday, April 20, 2015, 12:00 PM, House Hearing Room 1.

Public hearing will be held: HB 1083

Executive session will be held: HB 1262, HB 1293

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

#### EMPLOYMENT SECURITY

Wednesday, April 15, 2015, 8:30 AM, House Hearing Room 7.

Public hearing will be held: HB 1227

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

#### FISCAL REVIEW

Wednesday, April 15, 2015, 9:15 AM, South Gallery.

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

Executive Session on bill(s) referred to the committee.

#### FISCAL REVIEW

Thursday, April 16, 2015, 9:15 AM, South Gallery.

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

Executive Session on bill(s) referred to the committee.

#### HEALTH AND MENTAL HEALTH POLICY

Wednesday, April 15, 2015, Upon Morning Recess or Noon, whichever is later, House Hearing Room 7.

Public hearing will be held: SS SB 239, SCS SB 35, HB 1153, HB 785, SCS SB 380, SB 426

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

Location Change.

#### CORRECTED

#### HEALTH INSURANCE

Wednesday, April 15, 2015, 9:00 AM, House Hearing Room 4.

Executive session will be held: HB 262

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

HIGHER EDUCATION

Tuesday, April 21, 2015, 8:00 AM, House Hearing Room 6.  
Public hearing will be held: HB 687, HB 905, SCS SB 224  
Executive session may be held on any matter referred to the committee.

PENSIONS

Tuesday, April 21, 2015, 9:00 AM, House Hearing Room 4.  
Public hearing will be held: SCS SB 300  
Executive session may be held on any matter referred to the committee.

SELECT COMMITTEE ON BUDGET

Thursday, April 16, 2015, 8:15 AM, House Hearing Room 3.  
Public hearing will be held: HB 17, HB 18  
Executive session may be held on any matter referred to the committee.

SELECT COMMITTEE ON COMMERCE

Wednesday, April 15, 2015, Upon Conclusion of Afternoon Session, House Hearing Room 7.  
Executive session will be held: HB 165, HB 253, HB 801, SCR 2, SB 194  
Executive session may be held on any matter referred to the committee.

AMENDED

SELECT COMMITTEE ON EDUCATION

Thursday, April 16, 2015, 8:00 AM, House Hearing Room 5.  
Executive session will be held: SCS SB 473, HB 1254, HB 957, HB 312, HB 642, HB 1054, HB 382, HB 428  
Executive session may be held on any matter referred to the committee.

SELECT COMMITTEE ON FINANCIAL INSTITUTIONS AND TAXATION

Thursday, April 16, 2015, 8:00 AM, House Hearing Room 7.  
Executive session will be held: SB 283, SCS SB 270, HB 1085, HB 194, HB 879, HB 1043, HB 1123, HB 590, HB 1067  
Executive session may be held on any matter referred to the committee.

SELECT COMMITTEE ON GENERAL LAWS

Wednesday, April 15, 2015, 12:00 PM, House Hearing Room 4.  
Executive session will be held: HB 1024, HB 1048, HB 1074, HB 1247, HB 1318, HB 288, HCR 17, HJR 38  
Executive session may be held on any matter referred to the committee.  
Upon Morning Recess or Noon whichever is later.

CORRECTED

SELECT COMMITTEE ON INSURANCE

Thursday, April 16, 2015, 8:00 AM, House Hearing Room 4.  
Executive session will be held: HB 1040, HB 1197  
Executive session may be held on any matter referred to the committee.

**SELECT COMMITTEE ON RULES**

Wednesday, April 15, 2015, 12:00 PM, North Gallery.

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

Executive session will be held pending referral of consent bills

**SELECT COMMITTEE ON STATE AND LOCAL GOVERNMENTS**

Thursday, April 16, 2015, 8:00 AM, House Hearing Room 1.

Executive session will be held: SCS SBs 34 & 105, SB 68, SB 221, SB 231, HB 1221, HB 1346, HB 539, HB 1137, HB 1179

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

**SELECT COMMITTEE ON UTILITIES**

Thursday, April 16, 2015, 8:30 AM, House Hearing Room 6.

Executive session will be held: HB 857, HB 824, HB 1005, HB 956

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

**VETERANS**

Wednesday, April 15, 2015, 9:00 AM, House Hearing Room 1.

Public hearing will be held: SB 254

Executive session will be held: SB 254

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

**WORKFORCE STANDARDS AND DEVELOPMENT**

Wednesday, April 15, 2015, 9:30 AM, North Gallery.

Executive session will be held: HB 126

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

**HOUSE CALENDAR**

FIFTY-SECOND DAY, WEDNESDAY, APRIL 15, 2015

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HJR 44 - Shumake

HCS HJR 24 - Cierpiot

HCS HJR 7 - Engler

HJR 9 - Burlison

HJR 4 - Haahr

HCS HJR 41 - Jones

**HOUSE BILLS FOR PERFECTION**

HCS HB 138 - Reiboldt

HCS HB 181 - Haahr

HCS HB 497 - Austin

HCS HB 203 - Curtman

HB 793 - Rizzo

HCS HB 321 - Jones  
HB 324 - Shumake  
HCS HB 339 - McGaugh  
HCS HB 550 - Wood  
HCS HB 655 - Love  
HB 676 - Rowden  
HB 494 - Leara  
HB 609 - Gosen  
HB 691 - Leara  
HB 928 - Corlew  
HCS HB 965 - Allen  
HCS HB 356 - Jones  
HCS HB 624 - Franklin  
HCS HB 654 - Allen  
HCS HB 770 - Jones  
HCS HB 838 - Cross  
HB 1087 - Bernskoetter  
HCS HB 1312 - Rowden  
HCS HB 117 - Burlison  
HCS HB 461 - Bahr  
HCS HB 520 - Hicks  
HCS HB 540 - Johnson  
HCS HBs 671 & 683 - Frederick  
HB 684, HCA 1 - Koenig  
HCS HB 714 - Lauer  
HB 739 - McCann Beatty  
HCS HB 762 - Higdon  
HCS HB 781 - Gosen  
HCS HB 807 - Cornejo  
HB 832, HCA 1 - Brown (57)  
HCS HB 844 - Hough  
HCS HB 955 - Ross  
HCS HB 1002 - Berry  
HCS HB 1058 - Miller  
HCS HB 137 - McCaherty  
HCS HB 385 - Walker  
HCS HB 519 - Vescovo  
HCS HB 547 - Allen  
HCS HB 583 - Cross  
HB 630 - Leara  
HCS HB 884 - Rowden  
HB 940 - Jones  
HB 981 - Rowden  
HB 1039 - Dugger  
HCS HB 1066 - Allen  
HB 1093 - Houghton  
HCS HB 1184 - Hummel

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HCS HB 67 - Dugger  
HCS HB 375 - McGaugh  
HB 411 - Kelley  
HCS HB 422 - Burlison  
HCS HB 527 - Hill  
HB 536 - Redmon  
HB 571 - Burlison  
HCS HB 634 - Burlison  
HCS HB 665 - Franklin  
HB 702 - Higdon  
HB 761 - Jones  
HB 842 - McDaniel  
HB 892 - Shumake  
HCS HB 976 - Franklin  
HCS HB 1023 - Swan  
HCS HB 1047 - Zerr  
HCS HB 1091 - Phillips  
HCS HB 120 - Davis  
HCS HB 122 - McGaugh  
HCS HB 209 - Conway (104)  
HB 464 - Rowden  
HCS HB 476 - Fitzwater (144)  
HCS HB 479 - Houghton  
HCS HB 618 - Fraker  
HCS HB 627 - King  
HCS HB 658 - Ross  
HCS HB 694 - Brattin  
HCS HB 742 - Bahr  
HCS HB 760 - Flanigan  
HCS HB 803 - Swan  
HCS HB 830 - Curtman  
HCS HB 867 - Frederick  
HCS HB 921 - Burlison  
HCS HB 1003 - Hummel  
HCS HB 1243 - English  
HB 1313 - Rowden  
HB 1324, HCA 1 - Rowden

**HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCR 35 - Reiboldt

**HOUSE BILLS FOR THIRD READING**

HB 582 - Curtis  
HCS HB 513, (Fiscal Review 3/4/15) - McCaherty  
HCS HB 110, (Fiscal Review 4/8/15) - McCaherty

HB 557 - Bahr  
HB 776, (Fiscal Review 4/14/15) - Higdon  
HB 918, (Fiscal Review 4/14/15) - Johnson  
HB 1064 - Shull  
HCS HB 1084 - Miller  
HCS HB 538 - Lynch  
HCS HBs 405 & 381, (Fiscal Review 4/14/15) - Gannon  
HB 923 - Miller  
HCS HB 296 - Kelley  
HCS HB 129 - Brattin  
HCS HB 444, (Fiscal Review 4/14/15) - English  
HCS HB 759, (Fiscal Review 4/14/15) - Koenig  
HCS HB 868 - Rhoads

**SENATE BILLS FOR THIRD READING**

HCS SB 104, E.C. - Dugger  
SCS SB 19, (Fiscal Review 4/13/15) - Jones  
HCS SCS SB 152 - Miller

**HOUSE BILLS WITH SENATE AMENDMENTS**

SCS HCS HB 1 - Flanigan

**BILLS IN CONFERENCE**

CCR HCS SS#2 SCS SB 24, as amended (Fiscal Review 4/14/15) - Franklin  
SCS HCS HB 2 - Flanigan  
SCS HCS HB 3 - Flanigan  
SCS HCS HB 4 - Flanigan  
SCS HCS HB 5 - Flanigan  
SCS HCS HB 6 - Flanigan  
SCS HCS HB 7 - Flanigan  
SCS HCS HB 8 - Flanigan  
SCS HCS HB 9 - Flanigan  
SCS HCS HB 10 - Flanigan  
SCS HCS HB 11, as amended - Flanigan  
SS SCS HCS HB 12 - Flanigan  
SCS HCS HB 13 - Flanigan  
SS#2 SCS SB 11, HA 1, HA 1 HA 2, HA 2, a.a., HA 1 HA 3, HA 3, a.a., & HA 4 - Rowden

**HOUSE RESOLUTIONS**

HR 321 - Leara

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