

JOURNAL OF THE HOUSE

First Regular Session, 98th GENERAL ASSEMBLY

SIXTY-THIRD DAY, TUESDAY, MAY 5, 2015

The House met pursuant to adjournment.

Speaker Diehl in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Bretheren, ye have been called unto liberty; only use not liberty for an occasion to the flesh, but by love serve one another. (Galatians 5:13)

O Glorious God, in the quiet of this moment of prayer and with all sincerity of mind and heart we come to You who is the source of all wisdom, of all goodness and of all love.

You have called us to work with You on behalf of our citizens and for the good of Missouri. Hasten our love for our State and our concern for all people. Now and always may we keep our dedication to freedom, our devotion to truth, our delight in our democratic ways and our desire to make this state a better place for all. Grant us courage to be faithful in the struggle to make liberty the law and the life of all lands.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the sixty-second day was approved as printed.

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Allen reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **CCR#2 HCS SB 104, as amended**, 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 SB 205**, begs leave to report it has examined the same and recommends that it **Do Pass**.

THIRD READING OF SENATE BILLS

HCS SCS SB 341, relating to the protection of vulnerable persons, was taken up by Representative Franklin.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 341, Page 6, Section 210.223, Line 7, by striking "If" and inserting the following:

"When, in the opinion of the infant's licensed health care provider,"; and

Further amend said line, by inserting immediately after "arrangements" the following:

"that differ from those set forth in the most recent sleep recommendations of the American Academy of Pediatrics"; and

Further amend said bill and section, Page 7, Line 29, by inserting immediately after "Pediatrics" the following:

", including but not limited to 19 CSR 30.62-092(1)C which permits the use of bumper pads in cribs or playpens".

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

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

House Amendment No. 2

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 341, Page 8, Section 210.861, Line 32, by inserting immediately after the word, "**county**" the words:

", **excluding any county with a charter form of government and with more than nine hundred fifty thousand inhabitants**"; and

Further amend said bill and section, Page 9, Line 51, by inserting immediately after the first occurrence of the word, "**county**" the words:

", **excluding any county with a charter form of government and with more than nine hundred fifty thousand inhabitants**"; and

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

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

On motion of Representative Franklin, **HCS SCS SB 341, as amended**, was adopted.

On motion of Representative Franklin, **HCS SCS SB 341, as amended**, was read the third time and passed by the following vote:

AYES: 140

Adams	Alferman	Allen	Anders	Anderson
Andrews	Arthur	Austin	Bahr	Barnes
Basye	Beard	Bernskoetter	Berry	Bondon
Brown 57	Brown 94	Burns	Butler	Carpenter
Chipman	Cierpiot	Colona	Conway 10	Conway 104
Cookson	Corlew	Cornejo	Crawford	Cross
Curtis	Davis	Dogan	Dohrman	Eggleston

Ellington	Engler	English	Entlicher	Fitzwater 144
Fitzwater 49	Flanigan	Fraker	Franklin	Frederick
Gannon	Gosen	Green	Haahr	Haefner
Hansen	Harris	Hicks	Hill	Hinson
Hoskins	Hough	Houghton	Hubbard	Hubrecht
Hummel	Johnson	Jones	Justus	Keeney
Kelley	Kendrick	Kidd	King	Kirkton
Kolkmeyer	Kratky	LaFaver	Lair	Lant
Lauer	Lavender	Leara	Lichtenegger	Love
Lynch	Mathews	May	McCaherty	McCann Beatty
McCreery	McDaniel	McDonald	McGaugh	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Morgan	Morris	Muntzel
Neely	Nichols	Otto	Pace	Peters
Pfautsch	Phillips	Pierson	Pike	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Rizzo	Roden	Roeber	Rone	Ross
Rowden	Rowland	Runions	Ruth	Shaul
Shumake	Solon	Sommer	Spencer	Swan
Taylor	Vescovo	Walker	Walton Gray	Webber
White	Wiemann	Wood	Zerr	Mr. Speaker

NOES: 013

Brattin	Burlison	Curtman	Fitzpatrick	Hurst
Koenig	Marshall	Moon	Norr	Pietzman
Pogue	Smith	Wilson		

PRESENT: 000

ABSENT WITH LEAVE: 009

Black	Dugger	Dunn	Gardner	Higdon
Korman	Newman	Parkinson	Shull	

VACANCIES: 001

Speaker Diehl declared the bill passed.

VETOED SENATE BILLS

The Speaker read the following Senate Bill vetoed by the Governor: **CCS HCS SS#2 SCS SB 24**.

CCS HCS SS#2 SCS SB 24, relating to nonmedical public assistance, was taken up by Representative Franklin.

Representative Franklin moved that **CCS HCS SS#2 SCS SB 24** be passed, the objections of the Governor thereto notwithstanding.

Representative Burlison assumed the Chair.

Speaker Diehl resumed the Chair.

Representative Richardson moved the previous question.

Which motion was adopted by the following vote:

AYES: 114

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Beard	Bernskoetter
Berry	Bondon	Brattin	Brown 57	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	Flanigan	Fraker	Franklin	Frederick
Gannon	Gosen	Haahr	Haefner	Hansen
Hicks	Higdon	Hill	Hinson	Hoskins
Hough	Houghton	Hubrecht	Hurst	Johnson
Jones	Justus	Keeney	Kelley	Kidd
King	Koenig	Kolkmeier	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	Mathews	McCaherty	McDaniel	McGaugh
Messenger	Miller	Moon	Morris	Muntzel
Neely	Pfautsch	Phillips	Pietzman	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Roden	Roeber	Rone
Ross	Rowden	Rowland	Ruth	Shaul
Shumake	Solon	Sommer	Spencer	Swan
Taylor	Vescovo	Walker	White	Wiemann
Wilson	Wood	Zerr	Mr. Speaker	

NOES: 041

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

PRESENT: 000

ABSENT WITH LEAVE: 007

Black	Dunn	Gardner	Korman	Newman
Parkinson	Shull			

VACANCIES: 001

On motion of Representative Franklin **CCS HCS SS#2 SCS SB 24** was passed by the following vote, the objections of the Governor thereto notwithstanding:

AYES: 113

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Beard	Bernskoetter
Berry	Bondon	Brattin	Brown 57	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	Flanigan	Fraker	Franklin	Frederick
Gannon	Gosen	Haahr	Haefner	Hansen
Harris	Hicks	Higdon	Hill	Hinson
Hoskins	Hough	Houghton	Hubrecht	Hurst
Johnson	Jones	Justus	Keeney	Kelley
Kidd	King	Koenig	Kolkmeier	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Mathews	McCaherty	McDaniel	McGaugh
Messenger	Miller	Moon	Morris	Muntzel
Neely	Pfautsch	Phillips	Pietzman	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Roden	Roeber	Rone	Ross
Rowden	Rowland	Ruth	Shaul	Shumake
Solon	Sommer	Spencer	Swan	Taylor
Vescovo	Walker	White	Wiemann	Wilson
Wood	Zerr	Mr. Speaker		

NOES: 042

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

PRESENT: 000

ABSENT WITH LEAVE: 007

Black	Dunn	Gardner	Korman	Newman
Parkinson	Shull			

VACANCIES: 001

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 41** entitled:

An act to repeal sections 163.021 and 165.011, RSMo, section 163.011 as enacted by house bill no. 1689, ninety-seventh general assembly, second regular session, and section 163.031 as enacted by house bill no. 1689,

ninety-seventh general assembly, second regular session, and to enact in lieu thereof four new sections relating to state aid for schools.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 343** entitled:

An act to amend chapter 192, RSMo, by adding thereto one new section relating to the money follows the person demonstration program.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 403** entitled:

An act to repeal section 301.451, RSMo, and to enact in lieu thereof two new sections relating to veterans awarded the Purple Heart medal.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HBs 517 & 754** entitled:

An act to repeal sections 143.191, 143.801, and 144.020, RSMo, and to enact in lieu thereof three new sections relating to taxation.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, and Senate Amendment No. 5.

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 517 & 754, Page 1, Section A, Line 4, by inserting after all of said line the following:

“94.579. 1. The governing body of any home rule city with more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants is hereby authorized to impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144. The tax authorized in this section shall not exceed one percent, and shall be imposed solely for the purpose of providing revenues for the operation of public safety departments, including police and fire departments, and for pension programs, and health care for employees and pensioners of the public safety departments. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the city submits to the voters residing within the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. If the tax authorized in this section is not approved by the voters, then the city shall have an additional year during which to meet its required contribution payment beyond the time period described in section 105.683. If the city meets its required contribution payment in this time, then, notwithstanding the provisions of section 105.683 to the contrary, the delinquency shall not constitute a lien on the funds of the political subdivision, the board of such plan shall not be authorized to compel payment by application for writ of mandamus, and the state treasurer and the director of the department of revenue shall not withhold twenty-five percent of the certified contribution deficiency from the total moneys due the political subdivision from the state. The one-year extension shall only be available to the city on a one-time basis.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a sales tax at a rate of (up to one) percent, solely for the purpose of providing revenues for the operation of public safety departments of the city?

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 question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following notification to the department of revenue. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section by the director of the department of revenue on behalf of any city, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the “Public Safety Protection Sales Tax Fund”, and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such city. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. The director shall keep accurate records of the amounts in the fund, and such records shall be open to the inspection of the officers of such city and to the public. Not later than the tenth day of each month, the director shall distribute all moneys deposited in the fund during the preceding month to the city. Such funds shall be deposited with the treasurer of the city, and all expenditures of moneys from the fund shall be by an appropriation ordinance enacted by the governing body of the city.

4. On or after the effective date of the tax, the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 and 32.087 shall apply. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the city may authorize the use of a bracket system similar to that authorized in section 144.285, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the city shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

5. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057 and sections 144.010 to 144.525 are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for the tax and penalties under this section, the limitation for bringing suit for the collection of the delinquent tax and penalties shall be the same as that provided in sections 144.010 to 144.525.

6. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city) repeal the sales tax imposed at a rate of (up to one) percent for the purpose of providing revenues for the operation of public safety departments of the city?

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 question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved.

If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. The governing body of any city that has adopted the sales tax authorized in this section shall submit the question of [repeal] **continuation** of the tax to the voters every five years from the date of its inception on a date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city) [repeal the] **continue collecting a** sales tax imposed at a rate of (up to one) percent for the purpose of providing revenues for the operation of public safety departments of the city?

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 question by the qualified voters voting thereon are [in favor of repeal, that] **opposed to continuation**, repeal shall become effective on December thirty-first of the calendar year in which such [repeal was] **continuation was failed to be** approved. If a majority of the votes cast on the question by the qualified voters voting thereon are [opposed to the repeal] **in favor of continuation**, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and [the repeal is] **continuation fails to be** approved by a majority of the qualified voters voting on the question.

8. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least two percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

9. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the city shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director 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 city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 517 & 754, Page 1, Section A, Line 4 of said page, by inserting after all of said line the following:

“32.069. 1. Notwithstanding any other provision of law to the contrary, interest shall be allowed and paid on any refund or overpayment at the rate determined by section 32.068 only if the overpayment is not refunded within one hundred twenty days[, or within ninety days in the case of taxes imposed by sections 143.011 and 143.041,] from the latest of the following dates:

- (1) The last day prescribed for filing a tax return or refund claim, without regard to any extension of time granted;
- (2) The date the return, payment, or claim is filed; or
- (3) The date the taxpayer files for a credit or refund and provides accurate and complete documentation to support such claim.

2. Notwithstanding any other provision of law to the contrary, interest shall be allowed and paid on any refund or overpayment at the rate determined by section 32.068 only if the overpayment in the case of taxes imposed by sections 143.011 and 143.041 is not refunded within forty-five days from the date the return or claim is filed.

136.110. 1. The director of revenue shall promptly record all sums of money collected or received by the director and shall immediately thereafter deposit the same with the state treasurer, excluding all funds received and disbursed by the state on behalf of counties and cities, towns and villages. The state treasurer, upon receipt of any moneys from the director of revenue, shall give his or her receipt therefor, executing the same in triplicate, and shall deliver one copy of such receipt to the director of revenue, one copy to the commissioner of administration, and shall retain the third copy thereof in the files of the state treasurer. The books of the director of revenue shall be audited by the state auditor at such times as may be required by law, and at such other times as may be directed by the governor.

2. For the purposes of this section, the term “promptly” shall mean within two business days.”; and

Further amend said bill, Page 8, Section 143.801, Line 16 of said page, by inserting after all of said line the following:

“143.811. 1. Under regulations prescribed by the director of revenue, interest shall be allowed and paid at the rate determined by section 32.065 on any overpayment in respect of the tax imposed by sections 143.011 to 143.996; except that, where the overpayment resulted from the filing of an amendment of the tax by the taxpayer after the last day prescribed for the filing of the return, interest shall be allowed and paid at the rate of six percent per annum. With respect to the part of an overpayment attributable to a deposit made pursuant to subsection 2 of section 143.631, interest shall be paid thereon at the rate in section 32.065 from the date of the deposit to the date of refund. No interest shall be allowed or paid if the amount thereof is less than one dollar.

2. For purposes of this section:

- (1) Any return filed before the last day prescribed for the filing thereof shall be considered as filed on such last day determined without regard to any extension of time granted the taxpayer;
- (2) Any tax paid by the taxpayer before the last day prescribed for its payment, any income tax withheld from the taxpayer during any calendar year, and any amount paid by the taxpayer as estimated income tax for a taxable year shall be deemed to have been paid by him on the fifteenth day of the fourth month following the close of his taxable year to which such amount constitutes a credit or payment.

3. For purposes of this section with respect to any withholding tax:

- (1) If a return for any period ending with or within a calendar year is filed before April fifteenth of the succeeding calendar year, such return shall be considered filed April fifteenth of such succeeding calendar year; and
- (2) If a tax with respect to remuneration paid during any period ending with or within a calendar year is paid before April fifteenth of the succeeding calendar year, such tax shall be considered paid on April fifteenth of such succeeding calendar year.

4. If any overpayment of tax imposed by sections 143.061 and 143.071 is refunded within four months after the last date prescribed (or permitted by extension of time) for filing the return of such tax or within four months after the return was filed, whichever is later, no interest shall be allowed under this section on overpayment.

5. If any overpayment of tax imposed by sections 143.011 and 143.041 is refunded within [ninety] **forty-five** days after the [last date prescribed or permitted by extension of time for filing the return of such tax] **date the return or claim is filed**, no interest shall be allowed under this section on overpayment.

6. Any overpayment resulting from a carryback, including a net operating loss and a corporate capital loss, shall be deemed not to have been made prior to the close of the taxable year in which the loss arises.

7. Any overpayment resulting from a carryback of a tax credit, including but not limited to the tax credits provided in sections 253.557 and 348.432, shall be deemed not to have been made prior to the close of the taxable year in which the tax credit was authorized.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 517 & 754, Page 11, Section 144.020, Line 25, by inserting immediately after said line the following:

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

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

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

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

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

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

(5) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a “material recovery processing plant” means a facility that has as its primary purpose the recovery of materials into a usable product or a different form which is used in producing a new product and shall include a facility or equipment which are used

exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

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

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

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

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

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

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

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

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

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

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

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

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

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

(19) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home

respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by the Food and Drug Administration to meet the over-the-counter drug product labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner licensed to prescribe;

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

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

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

(23) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

- (a) Used exclusively for agricultural purposes;
- (b) Used on land owned or leased for the purpose of producing farm products; and
- (c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

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

- (a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums,

including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(41) All materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

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

(43) Any new or used aircraft sold or delivered in this state to a person who is not a resident of this state or a corporation that is not incorporated in this state, and such aircraft is not to be based in this state and shall not remain in this state more than ten business days subsequent to the last to occur of:

(a) The transfer of title to the aircraft to a person who is not a resident of this state or a corporation that is not incorporated in this state; or

(b) The date of the return to service of the aircraft in accordance with 14 CFR 91.407 for any maintenance, preventive maintenance, rebuilding, alterations, repairs, or installations that are completed contemporaneously with the transfer of title to the aircraft to a person who is not a resident of this state or a corporation that is not incorporated in this state.

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

Further amend the title and enacting clause accordingly.

Senate Amendment No. 4

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 517 & 754, Page 1, Section A, Line 4, of said page, by inserting after all of said line the following:

“143.161. 1. For all taxable years beginning after December 31, 1997, a resident may deduct one thousand two hundred dollars for each dependent for whom such resident is entitled to a dependency exemption deduction for federal income tax purposes. In the case of a dependent who has attained sixty-five years of age on or before the last day of the taxable year, if such dependent resides in the taxpayer's home or the dependent's own home or if such dependent does not receive Medicaid or state funding while residing in a facility licensed pursuant to chapter 198, the taxpayer may deduct an additional one thousand dollars.

2. [For all taxable years beginning before January 1, 1999, a resident who qualifies as an unmarried head of household or as a surviving spouse for federal income tax purposes may deduct an additional eight hundred dollars.] For all taxable years beginning on or after January 1, 1999, a resident who qualifies as an unmarried head of household or as a surviving spouse for federal income tax purposes may deduct an additional one thousand four hundred dollars.

3. For all taxable years beginning on or after January 1, 2015, for each birth for which a certificate of birth resulting in stillbirth has been issued under section 193.165, a taxpayer may claim the exemption under subsection 1 of this section only in the taxable year in which the stillbirth occurred, if the child otherwise would have been a member of the taxpayer's household.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 5

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 517 & 754, Page 1, Section A, Line 4, by inserting after all of said line the following:

“65.620. 1. Whenever any county abolishes township organization the county treasurer and ex officio collector shall immediately settle his accounts as treasurer with the county commission and shall thereafter perform all duties, exercise all powers, have all rights and be subject to all liabilities imposed and conferred upon the county collector of revenue under chapter 52 until the first Monday in March after the general election next following the abolishment of township organization and until a collector of revenue for the county is elected and qualified. The person elected collector at the general election as aforesaid, if that election is not one for collector of revenue under chapter 52, shall serve until the first Monday in March following the election and qualification of a collector of revenue under chapter 52. Upon abolition of township organization a county treasurer shall be appointed to serve until the expiration of the term of such officer pursuant to chapter 54.

2. Upon abolition of township organization, title to all property of all kinds theretofore owned by the several townships of the county shall vest in the county and the county shall be liable for all outstanding obligations and liabilities of the several townships.

3. The terms of office of all township officers shall expire on the abolition of township organization and the township trustee of each township shall immediately settle his accounts with the county clerk and all township officers shall promptly deliver to the appropriate county officers, as directed by the county commission, all books, papers, records and property pertaining to their offices.

4. For a period of one calendar year following the abolition of the townships or until the voters of the county have approved a tax levy for road and bridge purposes, whichever occurs first, the county collector shall continue to collect a property tax on a county-wide basis in an amount equal to the tax levied by the township that had the lowest total tax rate in the county immediately prior to the abolishment of the townships. The continued collection of the tax shall be considered a continuation of an existing tax and shall not be considered a new tax levy.”; and

Further amend the title and enacting clause accordingly.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 947** entitled:

An act to authorize the conveyance of certain state properties.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1098** entitled:

An act to repeal section 362.600, RSMo, and to enact in lieu thereof one new section relating to trust companies.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 13, as amended** and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SS SCS SB 67, as amended**.

Senators: Cunningham, Wasson, Kehoe, Nasheed, and Holsman

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS SCS SB 278, as amended**, and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SS SCS SB 115, as amended**.

Senators: Kraus, Onder, Wallingford, Walsh, and Schupp

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SCS SB 172, as amended**.

Senators: Romine, Pearce, Wallingford, Keaveny, and Schupp

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SCS SB 300, as amended**.

Senators: Silvey, Parson, Schaaf, Keaveny and Curls

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SCS SB 445, as amended**.

Senators: Romine, Kehoe, Wallingford, Schupp, and Holsman

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

AFTERNOON SESSION

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

BILLS CARRYING REQUEST MESSAGES

HCS SS SCS SB 278, as amended, relating to motor vehicles, was taken up by Representative Hinson.

Representative Hinson moved that the House refuse to recede from its position on **HCS SS SCS SB 278, as amended**, and grant the Senate a conference.

Which motion was adopted.

HCS SB 13, as amended, relating to career and technical education, was taken up by Representative Spencer.

Representative Spencer moved that the House refuse to recede from its position on **HCS SB 13, as amended**, and grant the Senate a conference.

Which motion was adopted.

APPOINTMENT OF CONFERENCE COMMITTEES

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

HCS SS SCS SB 278: Hinson, Solon, Kolkmeyer, McManus, and Otto

HCS SB 13: Spencer, Lichtenegger, Swan, Pierson, and Arthur

THIRD READING OF SENATE BILLS

HCS SCS SB 190, relating to sales taxes, was taken up by Representative Berry.

HCS SCS SB 190 was laid over.

SCS SB 224, relating to eligibility criteria for reimbursements from the A+ schools program, was taken up by Representative Fitzpatrick.

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

House Amendment No. 1

AMEND Senate Committee Substitute for Senate Bill No. 224, Page 2, Section 160.545, Line 37, by inserting after all of said line the following:

"(6) Any non-public school in this state may apply to the state board of education for certification that it meets the requirements of this section subject to the same criteria as public high schools. Any non-public school which applies shall not be eligible for any grants under this section. However, students of certified non-public schools shall be eligible for reimbursement of post-secondary education under subsection 7 of this section so long as they meet the other requirements of said section."; and

Further amend said bill and section, Page 3, Line 81, by inserting opening and closing brackets around the word, "[public]"; and

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

House Amendment No. 1 was withdrawn.

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

House Amendment No. 2

AMEND Senate Committee Substitute for Senate Bill No. 224, Page 4, Section 160.545, Line 97, by deleting the words "**a citizen or permanent resident of**" and inserting in lieu thereof the words "**lawfully present in**"; and

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

Representative Richardson moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

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

NOES: 041

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

PRESENT: 000

ABSENT WITH LEAVE: 017

Black	Brown 57	Colona	Davis	Engler
Fraker	Gardner	Hough	Korman	Leara
Lynch	Mathews	Newman	Parkinson	Pietzman
Shull	Sommer			

VACANCIES: 001

On motion of Representative Arthur, **House Amendment No. 2** was defeated by the following vote, the ayes and noes having been demanded pursuant to Article III, Section 26, of the Missouri Constitution:

AYES: 035

Adams	Anders	Arthur	Burns	Carpenter
Conway 10	Curtis	Dogan	Dunn	Ellington
Harris	Hubbard	Hummel	Kendrick	Kirkton
LaFaver	Lavender	May	McCann Beatty	McCreery
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Nichols	Norr	Otto	Pace
Pierson	Rizzo	Runions	Smith	Walton Gray

NOES: 105

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Beard	Bernskoetter
Berry	Bondon	Brattin	Brown 94	Burlison
Chipman	Cierpiot	Conway 104	Cookson	Cornejo
Crawford	Cross	Curtman	Dohrman	Dugger
Eggleston	English	Entlicher	Fitzpatrick	Fitzwater 144
Fitzwater 49	Flanigan	Franklin	Frederick	Gannon
Gosen	Green	Haahr	Haefner	Hansen
Hicks	Higdon	Hill	Hinson	Hoskins
Houghton	Hubrecht	Hurst	Johnson	Jones
Justus	Keeney	Kelley	Kidd	King
Koenig	Kolkmeier	Lair	Lant	Lauer
Lichtenegger	Love	Lynch	Marshall	McCaherty
McDaniel	McDonald	McGaugh	Messenger	Moon
Morris	Muntzel	Neely	Pfautsch	Phillips
Pietzman	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Roden
Roeber	Rone	Ross	Rowden	Rowland

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Ruth	Shaul	Shumake	Solon	Spencer
Swan	Taylor	Vescovo	Walker	White
Wiemann	Wilson	Wood	Zerr	Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 022

Black	Brown 57	Butler	Colona	Corlew
Davis	Engler	Fraker	Gardner	Hough
Korman	Kratky	Leara	Mathews	Miller
Morgan	Newman	Parkinson	Peters	Shull
Sommer	Webber			

VACANCIES: 001

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

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

NOES: 038

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

PRESENT: 000

ABSENT WITH LEAVE: 020

Black	Brattin	Brown 57	Colona	Davis
Engler	Gardner	Hough	Korman	LaFaver
Leara	Lynch	McManus	Newman	Parkinson
Pike	Richardson	Rizzo	Shull	Sommer

VACANCIES: 001

On motion of Representative Fitzpatrick, **SCS SB 224** was truly agreed to and finally passed by the following vote:

AYES: 108

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Beard	Bernskoetter
Berry	Bondon	Brattin	Brown 94	Burlison
Chipman	Cierpiot	Conway 104	Cookson	Corlew
Cornejo	Crawford	Cross	Curtman	Dogan
Dohrman	Dugger	Eggleston	English	Entlicher
Fitzpatrick	Fitzwater 144	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	Kidd	King	Koenig	Kolkmeier
Lair	Lant	Lauer	Lichtenegger	Love
Lynch	Marshall	Mathews	McCaherty	McDaniel
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Pfautsch	Phillips	Pietzman
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Roden	Roeber	Rone
Ross	Rowden	Rowland	Ruth	Shaul
Shumake	Solon	Spencer	Swan	Taylor
Vescovo	Walker	White	Wiemann	Wilson
Wood	Zerr	Mr. Speaker		

NOES: 038

Adams	Anders	Arthur	Burns	Butler
Carpenter	Conway 10	Curtis	Dunn	Ellington
Green	Hubbard	Hummel	Kendrick	Kirkton
Kratky	LaFaver	Lavender	May	McCann Beatty
McCreery	McDonald	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Smith	Walton Gray	Webber		

PRESENT: 000

ABSENT WITH LEAVE: 016

Black	Brown 57	Colona	Davis	Engler
Gardner	Hough	Korman	Leara	McManus
Newman	Parkinson	Richardson	Runions	Shull
Sommer				

VACANCIES: 001

Speaker Diehl declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 100

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

NOES: 051

Adams	Anders	Arthur	Bahr	Barnes
Berry	Bondon	Burns	Butler	Carpenter
Chipman	Colona	Conway 10	Corlew	Curtis
Dunn	Ellington	English	Green	Harris
Hubbard	Hummel	Kendrick	Kirkton	Kratky
LaFaver	Lavender	Marshall	May	McCann Beatty
McCreery	McDonald	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Nichols
Norr	Otto	Pace	Peters	Pierson
Pogue	Rizzo	Runions	Smith	Walton Gray
Webber				

PRESENT: 000

ABSENT WITH LEAVE: 011

Black	Brown 57	Dugger	Engler	Gardner
Hough	Korman	Leara	Newman	Parkinson
Shull				

VACANCIES: 001

HCS SCS SB 210, relating to reimbursement allowance taxes, was taken up by Representative Flanigan.

HCS SCS SB 210 was laid over.

HCS SCS SB 35, relating to public assistance, was taken up by Representative Haefner.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 35, Page 1, Section 208.065, Line 5, by deleting all of said line and inserting in lieu thereof the following:

"program; child care"; 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 English offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 35, Page 1, Section A, Line 2, by inserting after all of said line the following:

"208.023. The department of social services shall seek a waiver from the federal government to mandate the use of photo identification for continued eligibility in the food stamp program administered in Missouri. Upon one year after approval by the federal government, all electronic benefit cards distributed to recipients of food stamps shall have imprinted on the card a photograph of the recipient or protective payee authorized to use the card and shall expire and be subject to renewal after a period of three years. The card shall not be accepted for use by a retail establishment if the photograph of the recipient does not match the person presenting the card."; and

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

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

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

House Amendment No. 3

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 35, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"208.024. 1. Eligible recipients of temporary assistance for needy families (TANF) or [supplementary] supplemental nutrition assistance program (SNAP) benefits shall not use such funds in any electronic benefit transfer transaction in any liquor store, casino, gambling casino, or gaming establishment, any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, or in any place for the purchase of alcoholic beverages, lottery tickets, pornography, or tobacco products or for any item the department determines by rule is primarily marketed for or used by adults eighteen or older and is not in the best interests of the child or household. An eligible recipient of TANF or SNAP assistance who makes a purchase in violation of this section shall reimburse the department of social services for such purchase. For any third or subsequent offense, a TANF recipient shall lose his or her TANF benefits for a period of two years.

2. An individual, store owner or proprietor of an establishment shall not knowingly accept TANF cash assistance or supplementary nutrition assistance program (SNAP) funds held on electronic benefit transfer cards for

the purchase of alcoholic beverages, lottery tickets, **pornography**, or tobacco products or for use in any electronic benefit transfer transaction in any liquor store, casino, gambling casino, or gaming establishment, any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, or in any place for the purchase of alcoholic beverages, lottery tickets, **pornography**, or tobacco products or for any item the department determines by rule is primarily marketed for or used by adults eighteen or older and is not in the best interests of the child or household. No store owner or proprietor of any liquor store, casino, gambling casino, gaming establishment, or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment shall adopt any policy, either explicitly or implicitly, which encourages, permits, or acquiesces in its employees knowingly accepting electronic benefit transfer cards in violation of this section. [This section shall not be construed to require any store owner or proprietor of an establishment which is not a liquor store, casino, gambling casino, gaming establishment, or retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment to check the source of payment from every individual who purchases alcoholic beverages, lottery tickets, tobacco products, or any item the department determines by rule is primarily marketed for or used by adults eighteen or older and is not in the best interests of the child or household.] An individual, store owner or proprietor of an establishment who knowingly accepts electronic benefit transfer cards in violation of this section shall be punished by a fine of not more than five hundred dollars for the first offense, a fine of not less than five hundred dollars nor more than one thousand dollars for the second offense, and a fine of not less than one thousand dollars for the third or subsequent offense.

3. Any recipient of TANF or SNAP benefits who does not make at least one electronic benefit transfer transaction within the state for a period of ninety days shall have his or her benefit payments to the electronic benefit account temporarily suspended, pending an investigation by the department of social services to determine if the recipient is no longer a Missouri resident. If the department finds that the recipient is no longer a Missouri resident, it shall close the recipient's case. Closure of a recipient's case shall trigger the automated benefit eligibility process under section 208.238. A recipient may appeal the closure of his or her case to the director under section 208.080.

4. A recipient who does not make an electronic benefit transfer transaction within the state for a period of sixty days shall be provided notice of the possibility of the suspension of funds if no electronic benefit transfer transaction occurs in the state within another thirty days after the date of the notice.

5. **The total amount of cash benefits accessed by a TANF or SNAP benefits recipient with his or her electronic benefit transfer (EBT) card from an ATM, as cash back on a purchase, and through any other means of accessing cash from an EBT card shall not exceed forty dollars per month.**

6. For purposes of this section:

(1) The following terms shall mean:

(a) "Electronic benefit transfer transaction", the use of a credit or debit card service, automated teller machine, point-of-sale terminal, or access to an online system for the withdrawal of funds or the processing of a payment for merchandise or a service; [and]

(b) "Liquor store", any retail establishment which sells exclusively or primarily intoxicating liquor. Such term does not include a grocery store which sells both intoxicating liquor and groceries including staple foods as outlined under the Food and Nutrition Act of 2008;

(c) **"Pornography", any of the following:**

a. **Any obscene material or performance depicting sexual conduct, sexual contact as defined in section 566.010, or a sexual performance; or**

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

(d) **"Tobacco products", cigarettes, cigarette papers, cigars, smokeless tobacco, smoking tobacco, vapor products, or any other form of tobacco products or products made with tobacco substitute containing nicotine;**

(2) Casinos, gambling casinos, or gaming establishments shall not include:

(a) A grocery store which sells groceries including staple foods, and which also offers, or is located within the same building or complex as a casino, gambling, or gaming activities; or

(b) Any other establishment that offers casino, gambling, or gaming activities incidental to the principal purpose of the business."; and

Further amend said bill, Page 2, Section 208.078, Line 4, by inserting after all of said section and line the following:

"[208.182. 1. The family support division shall establish pilot projects in St. Louis City and in any county with a population of six hundred thousand or more, which shall provide for a system of electronic transfer of benefits to public assistance recipients. Such system shall allow recipients to obtain cash from automated teller machines or point of sale terminals. If less than the total amount of benefits is withdrawn, the recipient shall be given a receipt showing the current status of his or her account.

2. The disclosure of any information provided to a financial institution, business or vendor by the family support division under this section is prohibited. Such financial institution, business or vendor may not use or sell such information and may not divulge the information without a court order. Violation of this subsection is a class A misdemeanor.

3. Subject to appropriations and subject to receipt of waivers from the federal government to prevent the loss of any federal funds, the department of social services shall require the use of photographic identification on electronic benefit transfer cards issued to recipients in this system. Such photographic identification electronic benefit transfer card shall be in a form approved by the department of social services.

4. The family support division shall promulgate rules and regulations necessary to implement the provisions of this section pursuant to section 660.017 and chapter 536.

5. The delivery of electronic benefits and the electronic eligibility verification, including, but not limited to, aid to families with dependent children (AFDC), women, infants and children (WIC), early periodic screening diagnosis and treatment (EPSDT), food stamps, supplemental security income (SSI), including Medicaid, child support, and other programs, shall reside in one card that may be enabled by function from time to time in a convenient manner.]" ; and

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

HCS SCS SB 35, as amended, with House Amendment No. 3, pending, was laid over.

Representative Keeney assumed the Chair.

HCS SCS SB 210, relating to reimbursement allowance taxes, was again taken up by Representative Flanigan.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 1, In the Title, Line 3, by deleting the words "reimbursement allowance taxes" and inserting in lieu thereof the words "health care"; and

Further amend said bill and page, Section 198.439, Line 1, by inserting 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 the Missouri Medicaid audit and compliance unit 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, the Missouri Medicaid audit and compliance unit shall notify all affected MO HealthNet providers five business days before such change shall take effect. Failure of the Missouri Medicaid audit and compliance unit 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 the Missouri Medicaid audit and compliance unit 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."; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 1, Sections 190.839, Line 1, by deleting the number "2016" and inserting the number "2017"; and

Further amend said bill, page, Section 198.439, Line 1, by deleting the number "2016" and inserting the number "2017"; and

Further amend said bill, Page 2, Section 208.437, Line 26, by deleting the number "2016" and inserting the number "2017"; and

Further amend said bill, page, Section 208.480, Line 2, by deleting the number "2016" and inserting the number "2017"; and

Further amend said bill, Section 338.550, page, Line 9, and Page 3, Line 16, by deleting the number "2016" and inserting the number "2017"; and

Further amend said bill, Page 5, Section 633.401, Line 97, by deleting the number "2016" and inserting the number "2017"; and

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

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

On motion of Representative Flanigan, **HCS SCS SB 210, as amended**, was adopted.

On motion of Representative Flanigan, **HCS SCS SB 210, as amended**, 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	Bondon	Brattin
Brown 57	Brown 94	Burlison	Burns	Butler
Carpenter	Chipman	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Corlew	Cornejo	Crawford
Cross	Curtman	Davis	Dogan	Dohrman
Dugger	Dunn	Eggleston	Ellington	Engler
English	Entlicher	Fitzpatrick	Fitzwater 144	Fitzwater 49
Flanigan	Fraker	Franklin	Gannon	Gosen
Green	Haahr	Haefner	Hansen	Harris
Higdon	Hill	Hinson	Hoskins	Hough
Houghton	Hubbard	Hubrecht	Hummel	Hurst
Johnson	Jones	Justus	Keeney	Kelley
Kendrick	King	Kirkton	Koenig	Kolkmeyer
Kratky	LaFaver	Lair	Lant	Lauer
Lavender	Leara	Lichtenegger	Love	Lynch
Mathews	May	McCaherty	McCann Beatty	McDaniel
McDonald	McGaugh	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Nichols	Norr	Otto	Pace	Peters
Pfautsch	Phillips	Pierson	Pietzman	Pike
Rehder	Reiboldt	Remole	Rhoads	Richardson
Rizzo	Roden	Roeber	Rone	Ross
Rowden	Rowland	Runions	Ruth	Shaul
Shumake	Solon	Sommer	Spencer	Swan
Taylor	Vescovo	Walker	Walton Gray	Webber
White	Wiemann	Wilson	Wood	Zerr
Mr. Speaker				

NOES: 004

Curtis	Marshall	Pogue	Smith
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PRESENT: 000

ABSENT WITH LEAVE: 012

Allen	Black	Frederick	Gardner	Hicks
Kidd	Korman	McCreery	Newman	Parkinson
Redmon	Shull			

VACANCIES: 001

Representative Keeney declared the bill passed.

SCS SB 345, relating to licensing fees paid to the Director of the Division of Finance, was taken up by Representative Dugger.

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

House Amendment No. 1

AMEND Senate Committee Substitute for Senate Bill No. 345, Page 1, Lines 4 and 5 of the Title, by deleting all of said lines and inserting in lieu thereof the following:

"financial transactions, with an existing penalty provision."; and

Further amend said bill, Page 6, Section 407.640, Line 27, by inserting after said line the following:

"408.140. 1. No further or other charge or amount whatsoever shall be directly or indirectly charged, contracted for or received for interest, service charges or other fees as an incident to any such extension of credit except as provided and regulated by sections 367.100 to 367.200 and except:

(1) On loans for thirty days or longer which are other than "open-end credit" as such term is defined in the federal Consumer Credit Protection Act and regulations thereunder, a fee, not to exceed ten percent of the principal amount loaned not to exceed [seventy-five] **one hundred** dollars may be charged by the lender; however, no such fee shall be permitted on any extension, refinance, restructure or renewal of any such loan, unless any investigation is made on the application to extend, refinance, restructure or renew the loan;

(2) The lawful fees actually and necessarily paid out by the lender to any public officer for filing, recording, or releasing in any public office any instrument securing the loan, which fees may be collected when the loan is made or at any time thereafter; however, premiums for insurance in lieu of perfecting a security interest required by the lender may be charged if the premium does not exceed the fees which would otherwise be payable;

(3) If the contract so provides, a charge for late payment on each installment or minimum payment in default for a period of not less than fifteen days in an amount not to exceed five percent of each installment due or the minimum payment due or fifteen dollars, whichever is greater, not to exceed fifty dollars. If the contract so provides, a charge for late payment on each twenty-five dollars or less installment in default for a period of not less than fifteen days shall not exceed five dollars;

(4) If the contract so provides, a charge for late payment for a single payment note in default for a period of not less than fifteen days in an amount not to exceed five percent of the payment due; provided that, the late charge for a single payment note shall not exceed fifty dollars;

(5) Charges or premiums for insurance written in connection with any loan against loss of or damage to property or against liability arising out of ownership or use of property as provided in section 367.170; however, notwithstanding any other provision of law, with the consent of the borrower, such insurance may cover property all or part of which is pledged as security for the loan, and charges or premiums for insurance providing life, health, accident, or involuntary unemployment coverage;

(6) Reasonable towing costs and expenses of retaking, holding, preparing for sale, and selling any personal property in accordance with section 400.9;

(7) Charges assessed by any institution for processing a refused instrument plus a handling fee of not more than twenty-five dollars;

(8) If the contract or promissory note, signed by the borrower, provides for attorney fees, and if it is necessary to bring suit, such attorney fees may not exceed fifteen percent of the amount due and payable under such

contract or promissory note, together with any court costs assessed. The attorney fees shall only be applicable where the contract or promissory note is referred for collection to an attorney, and is not handled by a salaried employee of the holder of the contract;

(9) Provided the debtor agrees in writing, the lender may collect a fee in advance for allowing the debtor to defer up to three monthly loan payments, so long as the fee is no more than the lesser of fifty dollars or ten percent of the loan payments deferred, no extensions are made until the first loan payment is collected and no more than one deferral in a twelve-month period is agreed to and collected on any one loan; this subdivision applies to nonprecomputed loans only and does not affect any other subdivision;

(10) If the open-end credit contract is tied to a transaction account in a depository institution, such account is in the institution's assets and such contract provides for loans of thirty-one days or longer which are "open-end credit", as such term is defined in the federal Consumer Credit Protection Act and regulations thereunder, the creditor may charge a credit advance fee of up to the lesser of seventy-five dollars or ten percent of the credit advanced from time to time from the line of credit; such credit advance fee may be added to the open-end credit outstanding along with any interest, and shall not be considered the unlawful compounding of interest as that term is defined in section 408.120;

(11) A deficiency waiver addendum, guaranteed asset protection, or a similar product purchased as part of a loan transaction with collateral and at the borrower's consent, provided the cost of the product is disclosed in the loan contract, is reasonable, and the requirements of section 408.380 are met.

2. Other provisions of law to the contrary notwithstanding, an open-end credit contract under which a credit card is issued by a company, financial institution, savings and loan or other credit issuing company whose credit card operations are located in Missouri may charge an annual fee, provided that no finance charge shall be assessed on new purchases other than cash advances if such purchases are paid for within twenty-five days of the date of the periodic statement therefor.

3. Notwithstanding any other provision of law to the contrary, in addition to charges allowed pursuant to section 408.100, an open-end credit contract provided by a company, financial institution, savings and loan or other credit issuing company which is regulated pursuant to this chapter may charge an annual fee not to exceed fifty dollars."; and

Further amend said bill, Page 8, Section 408.500, Line 67, by inserting after said line the following:

"443.719. 1. In order to meet the written test requirement under sections 443.701 to 443.893, an individual shall pass, in accordance with the standards established under this section, a qualified written test developed by the NMLSR based upon reasonable standards, **and designated as the NMLSR'S National Test Component with Uniform State Content for Mortgage Loan Originator licensing.**

2. A written test shall not be treated as a qualified written test for purposes of subsection 1 of this section unless the test adequately measures the applicant's knowledge and comprehension in appropriate subject areas, including:

- (1) Ethics;
- (2) Federal law and regulation pertaining to mortgage origination;
- (3) State law and regulation pertaining to mortgage origination;
- (4) Federal and state law and regulation on fraud, consumer protection, the nontraditional mortgage marketplace, and fair lending issues.

3. Nothing in this section shall prohibit a test provider approved by the NMLSR from providing a test at the location of the employer of the applicant or the location of any subsidiary or affiliate of the employer of the applicant, or the location of any person with which the applicant holds an exclusive arrangement to conduct the business of a mortgage loan originator.

4. An applicant for licensure as a mortgage loan originator shall demonstrate minimum competence as follows:

(1) An individual shall not be considered to have passed a qualified written test unless the individual achieves a test score of not less than seventy-five percent correct answers to questions;

(2) An individual may retake a test two times with each consecutive taking occurring at least thirty days after the preceding test;

(3) After failing three consecutive tests, an individual shall wait at least six months before taking the test again;

(4) A licensed mortgage loan originator who fails to maintain a valid license for a period of five years or longer shall retake the test, not taking into account any time during which such individual is a registered mortgage loan originator."; 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 Dugger, **SCS SB 345, as amended**, was read the third time and passed by the following vote:

AYES: 116

Alferman	Anderson	Andrews	Austin	Bahr
Barnes	Basye	Beard	Bernskoetter	Berry
Bondon	Brattin	Brown 57	Brown 94	Burlison
Chipman	Cierpiot	Conway 10	Conway 104	Cookson
Corlew	Cornejo	Crawford	Cross	Curtman
Davis	Dogan	Dohrman	Dugger	Eggleston
Engler	English	Entlicher	Fitzpatrick	Fitzwater 49
Flanigan	Fraker	Franklin	Frederick	Gannon
Gosen	Green	Haahr	Haefner	Hansen
Harris	Hill	Hinson	Hoskins	Hough
Houghton	Hubbard	Hubrecht	Hurst	Johnson
Jones	Justus	Keeney	Kelley	Kidd
King	Koenig	Kolkmeier	Kratky	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Mathews	McCaherty	McDaniel	McDonald
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Nichols	Otto	Pfautsch
Phillips	Pietzman	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Roden
Roeber	Rone	Ross	Rowden	Rowland
Ruth	Shaul	Shumake	Solon	Sommer
Spencer	Swan	Taylor	Vescovo	Walker
White	Wiemann	Wilson	Wood	Zerr
Mr. Speaker				

NOES: 035

Adams	Anders	Arthur	Burns	Butler
Carpenter	Curtis	Dunn	Ellington	Hummel
Kendrick	Kirkton	LaFaver	Lavender	Marshall
May	McCann Beatty	McCreery	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Norr	Pace	Peters	Pierson	Pogue
Rizzo	Runions	Smith	Walton Gray	Webber

PRESENT: 000

ABSENT WITH LEAVE: 011

Allen	Black	Colona	Fitzwater 144	Gardner
Hicks	Higdon	Korman	Newman	Parkinson
Shull				

VACANCIES: 001

Representative Keeney declared the bill passed.

THIRD READING OF SENATE CONCURRENT RESOLUTIONS

SCR 31, relating to the Secure Rural Schools program, was taken up by Representative Rowland.

Representative Richardson moved the previous question.

Which motion was adopted by the following vote:

AYES: 109

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Beard	Berry
Bondon	Brattin	Brown 57	Brown 94	Burlison
Chipman	Cierpiot	Conway 104	Cookson	Corlew
Cornejo	Crawford	Cross	Curtman	Davis
Dogan	Dohrman	Eggleston	Engler	English
Entlicher	Fitzpatrick	Fitzwater 144	Fitzwater 49	Flanigan
Fraker	Franklin	Frederick	Gannon	Gosen
Haahr	Haefner	Hansen	Hicks	Hill
Hinson	Hoskins	Hough	Houghton	Hubrecht
Hurst	Johnson	Jones	Justus	Keeney
Kelley	Kidd	King	Koenig	Kolkmeier
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	Mathews	McCaherty
McDaniel	McGaugh	Messenger	Miller	Moon
Morris	Muntzel	Neely	Pfautsch	Phillips
Pietzman	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Roden	Roerber
Rone	Ross	Rowland	Ruth	Shaul
Shumake	Solon	Sommer	Spencer	Swan
Taylor	Vescovo	Walker	White	Wiemann
Wilson	Wood	Zerr	Mr. Speaker	

NOES: 041

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

PRESENT: 000

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ABSENT WITH LEAVE: 012

Bernskoetter	Black	Dugger	Gardner	Harris
Higdon	Korman	Newman	Parkinson	Redmon
Rowden	Shull			

VACANCIES: 001

On motion of Representative Rowland, **SCR 31** was truly agreed to and finally passed by the following vote:

AYES: 151

Adams	Alferman	Allen	Anders	Anderson
Andrews	Arthur	Austin	Bahr	Barnes
Basye	Beard	Bernskoetter	Berry	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	Dunn	Eggleston	Ellington
Engler	English	Entlicher	Fitzpatrick	Fitzwater 144
Fitzwater 49	Flanigan	Fraker	Franklin	Frederick
Gannon	Gosen	Green	Haahr	Haefner
Hansen	Harris	Hicks	Hill	Hinson
Hoskins	Hough	Houghton	Hubbard	Hubrecht
Hummel	Hurst	Johnson	Jones	Justus
Keeney	Kelley	Kendrick	Kidd	King
Kirkton	Koenig	Kolkmeyster	Kratky	LaFaver
Lair	Lant	Lauer	Lavender	Leara
Lichtenegger	Love	Lynch	Marshall	Mathews
May	McCaherty	McCann Beatty	McCreery	McDaniel
McDonald	McGaugh	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Nichols	Norr	Otto	Pace	Peters
Pfautsch	Phillips	Pierson	Pietzman	Pike
Pogue	Rehder	Reiboldt	Remole	Rhoads
Richardson	Rizzo	Roden	Roeber	Rone
Ross	Rowland	Runions	Ruth	Shaul
Shumake	Smith	Solon	Sommer	Spencer
Swan	Taylor	Vescovo	Walker	Walton Gray
Webber	White	Wiemann	Wilson	Wood
Mr. Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Black	Dugger	Gardner	Higdon	Korman
Newman	Parkinson	Redmon	Rowden	Shull
Zerr				

VACANCIES: 001

Representative Keeney declared the bill passed.

THIRD READING OF SENATE BILLS

HCS SCS SB 35, as amended, with House Amendment No. 3, pending, relating to public assistance, was again taken up by Representative Haefner.

House Amendment No. 3 was withdrawn.

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

House Amendment No. 4

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 35, Page 2, Section 208.078, Line 4, by inserting after all of said section and line the following:

"208.670. 1. As used in this section, these terms shall have the following meaning:

(1) "Provider", any provider of medical services and mental health services, including all other medical disciplines;

(2) "Telehealth", the use of medical information exchanged from one site to another via electronic communications to improve the health status of a patient.

2. The department of social services, in consultation with the departments of mental health and health and senior services, shall promulgate rules governing the practice of telehealth in the MO HealthNet program. Such rules shall address, but not be limited to, appropriate standards for the use of telehealth, certification of agencies offering telehealth, and payment for services by providers. Telehealth providers shall be required to obtain patient consent before telehealth services are initiated and to ensure confidentiality of medical information.

3. Telehealth may be utilized to service individuals who are qualified as MO HealthNet participants under Missouri law. Reimbursement for such services shall be made in the same way as reimbursement for in-person contacts.

4. The provisions of section 208.671 shall apply to the use of asynchronous store-and-forward technology in the practice of telehealth.

208.671. 1. As used in this section and section 208.673, the following terms shall mean:

(1) "Asynchronous store-and-forward", the transfer of a patient's clinically important digital samples, such as still images, videos, audio, and text files, and relevant data from an originating site through the use of a camera or similar recording device that stores digital samples that are forwarded via telecommunication to a distant site for consultation by a consulting provider without requiring the simultaneous presence of the patient and the patient's treating provider;

(2) "Asynchronous store-and-forward technology", cameras or other recording devices that store images which may be forwarded via telecommunication devices at a later time;

(3) "Consultation", a type of evaluation and management service as defined by the most recent edition of the Current Procedural Terminology published annually by the American Medical Association;

(4) "Consulting provider", a provider who, upon referral by the treating provider, evaluates a patient and appropriate medical data or images delivered through asynchronous store-and-forward technology. If a consulting provider is unable to render an opinion due to insufficient information, the consulting provider may request additional information to facilitate the rendering of an opinion or decline to render an opinion;

(5) "Distant site", a site where the consulting provider is located at the time the consultation service is provided;

(6) "Originating site", the site where a MO HealthNet participant receiving services and such participant's treating provider are both physically located;

(7) "Provider", any provider of medical services, mental health services, or dental services, including all other medical disciplines, licensed in this state who has the authority to refer patients for medical services or mental health services within the scope of practice and licensure of the provider;

(8) "Telehealth", the same meaning as such term is defined in section 208.670. Telehealth shall include the use of asynchronous store-and-forward technology for orthopedics, dermatology, ophthalmology in cases of diabetic retinopathy, burn and wound care, and maternal-fetal medicine ultrasounds;

- (9) "Treating provider", a provider who:
- (a) Evaluates a patient;
 - (b) Determines the need for a consultation;
 - (c) Arranges the services of a consulting provider for the purpose of diagnosis and treatment;
 - (d) Provides or supplements the patient's history and provides pertinent physical examination findings and medical information to the consulting provider; and
 - (e) Is physically present in the same location as the patient during the time of the asynchronous store-and-forward services.

2. The department of social services, in consultation with the departments of mental health and health and senior services, shall promulgate rules governing the use of asynchronous store-and-forward technology in the practice of telehealth in the MO HealthNet program. Such rules shall address, but not be limited to:

- (1) Appropriate standards for the use of asynchronous store-and-forward technology in the practice of telehealth;
- (2) Certification of agencies offering asynchronous store-and-forward technology in the practice of telehealth;
- (3) Time lines for completion and communication of a consulting provider's consultation or opinion, or if the consulting provider is unable to render an opinion, time lines for communicating a request for additional information or that the consulting provider declines to render an opinion;
- (4) Length of time digital files of such asynchronous store-and-forward services are to be maintained;
- (5) Security and privacy of such digital files;
- (6) Patient consent for asynchronous store-and-forward services; and
- (7) Payment for services by providers; except that, consulting providers who decline to render an opinion shall not receive payment under this section unless and until an opinion is rendered.

Telehealth providers using asynchronous store-and-forward technology shall be required to obtain patient consent before asynchronous store-and-forward services are initiated and to ensure confidentiality of medical information.

3. Asynchronous store-and-forward technology in the practice of telehealth may be utilized to service individuals who are qualified as MO HealthNet participants under Missouri law. The total payment for both the treating provider and the consulting provider shall not exceed the payment for a face-to-face consultation of the same level.

4. The standard of care for the use of asynchronous store-and-forward technology in the practice of telehealth shall be the same as the standard of care for face-to-face care.

208.673. 1. There is hereby established the "Telehealth Services Advisory Committee" to advise the department of social services and propose rules regarding the coverage of telehealth services utilizing asynchronous store-and-forward technology.

2. The committee shall be comprised of the following members:

- (1) The director of the MO HealthNet division, or the director's designee;
 - (2) The medical director of the MO HealthNet division;
 - (3) A representative from a Missouri institution of higher education with expertise in telemedicine;
 - (4) A representative from the Missouri office of primary care and rural health;
 - (5) Two board-certified specialists licensed to practice medicine in this state;
 - (6) A representative from a hospital located in this state that utilizes telehealth medicine;
 - (7) A primary care provider from a federally qualified health center (FQHC) or rural health clinic;
- and
- (8) A primary care provider from a rural setting other than from an FQHC or rural health clinic.

3. Members of the committee listed in subdivisions (3) to (8) of subsection 2 of this section shall be appointed by the governor, with the advice and consent of the senate. The first appointments to the committee shall consist of three members to serve three-year terms, two members to serve two-year terms, and two members to serve one-year terms as designated by the governor. Each member of the committee shall serve for a term of three years thereafter.

4. Members of the committee shall not receive any compensation for their services but shall be reimbursed for any actual and necessary expenses incurred in the performance of their duties.

5. Any member appointed by the governor may be removed from office by the governor without cause. If there is a vacancy for any cause, the governor shall make an appointment to become effective immediately for the unexpired term.

6. 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 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.

208.675. For purposes of the provision of telehealth services, the following individuals, licensed in Missouri, shall be considered eligible health care providers:

- (1) Physicians, assistant physicians, and physician assistants;
- (2) Advanced practice registered nurses;
- (3) Dentists, oral surgeons, and dental hygienists under the supervision of a currently registered and licensed dentist;
- (4) Psychologists and provisional licensees;
- (5) Pharmacists;
- (6) Speech, occupational, or physical therapists;
- (7) Clinical social workers;
- (8) Podiatrists;
- (9) Licensed professional counselors; or
- (10) Eligible health care providers under subdivisions (1) through (9) of this section practicing in a rural health clinic, federally qualified health center, or community mental health center.

208.677. 1. For purposes of the provision of telehealth services, the term “originating site” shall mean a telehealth site where the MO HealthNet participant receiving the telehealth service is located for the encounter, and the term “clinical staff” shall mean any health care provider licensed in this state. The originating site shall ensure immediate availability of clinical staff during a telehealth encounter if a participant requires assistance. No originating site for services or activities provided under section 208.686 shall be required to maintain immediate availability of on-site clinical staff during the telemonitoring services or activities. An originating site shall be one of the following locations:

- (1) Office of a physician or health care provider;
- (2) Hospital;
- (3) Critical access hospital;
- (4) Rural health clinic;
- (5) Federally qualified health center;
- (6) Long-term care facility licensed under chapter 198;
- (7) Dialysis center;
- (8) Missouri state habilitation center or regional office;
- (9) Community mental health center;
- (10) Missouri state mental health facility;
- (11) Missouri state facility;
- (12) Missouri residential treatment facility licensed by and under contract with the children’s division (CD) that has a contract with the CD. Facilities shall have multiple campuses and have the ability to adhere to technology requirements. Only Missouri licensed psychiatrists, licensed psychologists, or provisionally licensed psychologists, and advanced practice registered nurses who are enrolled MO HealthNet providers shall be consulting providers at these locations;
- (13) Comprehensive substance treatment and rehabilitation (CSTAR) program;
- (14) School;
- (15) The MO HealthNet recipient’s home; or
- (16) Clinical designated area in a pharmacy.

2. If the originating site is a school, the school shall obtain permission from the parent or guardian of any student receiving telehealth services prior to each provision of service.

208.686. 1. Subject to appropriations, the department shall establish a statewide program that permits reimbursement under the MO HealthNet program for home telemonitoring services. For the purposes of this section, “home telemonitoring service” shall mean a health care service that requires

scheduled remote monitoring of data related to a patient's health and transmission of the data to a Utilization Review Accreditation Commission (URAC) accredited health call center.

2. The program shall:

(1) Provide that home telemonitoring services are available only to persons who:

(a) Are diagnosed with one or more of the following conditions:

- a. Pregnancy;**
- b. Diabetes;**
- c. Heart disease;**
- d. Cancer;**
- e. Chronic obstructive pulmonary disease;**
- f. Hypertension;**
- g. Congestive heart failure;**
- h. Mental illness or serious emotional disturbance;**
- i. Asthma;**
- j. Myocardial infarction; or**
- k. Stroke; and**

(b) Exhibit two or more of the following risk factors:

- a. Two or more hospitalizations in the prior twelve-month period;**
- b. Frequent or recurrent emergency department admissions;**
- c. A documented history of poor adherence to ordered medication regimens;**
- d. A documented history of falls in the prior six-month period;**
- e. Limited or absent informal support systems;**
- f. Living alone or being home alone for extended periods of time; or**
- g. A documented history of care access challenges;**

(2) Ensure that clinical information gathered by a home health agency or hospital while providing home telemonitoring services is shared with the patient's physician; and

(3) Ensure that the program does not duplicate any disease management program services provided by MO HealthNet.

3. If, after implementation, the department determines that the program established under this section is not cost effective, the department may discontinue the program and stop providing reimbursement under the MO HealthNet program for home telemonitoring services.

4. The department shall determine whether the provision of home telemonitoring services to persons who are eligible to receive benefits under both the MO HealthNet and Medicare programs achieves cost savings for the Medicare program.

5. If, before implementing any provision of this section, the department determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the department shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

6. The department shall promulgate rules and regulations to implement the provisions of this section. 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 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."; and

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

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

4.

House Amendment No. 1
to
House Amendment No. 4

AMEND House Amendment No. 4 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 35, Page 1, Line 4, by deleting all of said line and inserting in lieu thereof the following:

"208.024. 1. Eligible recipients of temporary assistance for needy families (TANF) or [supplementary] **supplemental** nutrition assistance program (SNAP) benefits shall not use such funds in any electronic benefit transfer transaction in any liquor store, casino, gambling casino, or gaming establishment, any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, or in any place for the purchase of alcoholic beverages, lottery tickets, **pornography**, or tobacco products or for any item the department determines by rule is primarily marketed for or used by adults eighteen or older and is not in the best interests of the child or household. An eligible recipient of TANF or SNAP assistance who makes a purchase in violation of this section shall reimburse the department of social services for such purchase. **For any third or subsequent offense, a TANF recipient shall lose his or her TANF benefits for a period of two years.**

2. An individual, store owner or proprietor of an establishment shall not knowingly accept TANF cash assistance or supplementary nutrition assistance program (SNAP) funds held on electronic benefit transfer cards for the purchase of alcoholic beverages, lottery tickets, **pornography**, or tobacco products or for use in any electronic benefit transfer transaction in any liquor store, casino, gambling casino, or gaming establishment, any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, or in any place for the purchase of alcoholic beverages, lottery tickets, **pornography**, or tobacco products or for any item the department determines by rule is primarily marketed for or used by adults eighteen or older and is not in the best interests of the child or household. No store owner or proprietor of any liquor store, casino, gambling casino, gaming establishment, or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment shall adopt any policy, either explicitly or implicitly, which encourages, permits, or acquiesces in its employees knowingly accepting electronic benefit transfer cards in violation of this section. This section shall not be construed to require any store owner or proprietor of an establishment which is not a liquor store, casino, gambling casino, gaming establishment, or retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment to check the source of payment from every individual who purchases alcoholic beverages, lottery tickets, tobacco products, or any item the department determines by rule is primarily marketed for or used by adults eighteen or older and is not in the best interests of the child or household. An individual, store owner or proprietor of an establishment who knowingly accepts electronic benefit transfer cards in violation of this section shall be punished by a fine of not more than five hundred dollars for the first offense, a fine of not less than five hundred dollars nor more than one thousand dollars for the second offense, and a fine of not less than one thousand dollars for the third or subsequent offense.

3. Any recipient of TANF or SNAP benefits who does not make at least one electronic benefit transfer transaction within the state for a period of ninety days shall have his or her benefit payments to the electronic benefit account temporarily suspended, pending an investigation by the department of social services to determine if the recipient is no longer a Missouri resident. If the department finds that the recipient is no longer a Missouri resident, it shall close the recipient's case. Closure of a recipient's case shall trigger the automated benefit eligibility process under section 208.238. A recipient may appeal the closure of his or her case to the director under section 208.080.

4. A recipient who does not make an electronic benefit transfer transaction within the state for a period of sixty days shall be provided notice of the possibility of the suspension of funds if no electronic benefit transfer transaction occurs in the state within another thirty days after the date of the notice.

5. The total amount of cash benefits accessed by a TANF or SNAP benefits recipient with his or her electronic benefit transfer (EBT) card from an ATM, as cash back on a purchase, and through any other means of accessing cash from an EBT card shall not exceed forty dollars per month.

6. For purposes of this section:

(1) The following terms shall mean:

(a) "Electronic benefit transfer transaction", the use of a credit or debit card service, automated teller machine, point-of-sale terminal, or access to an online system for the withdrawal of funds or the processing of a payment for merchandise or a service; [and]

(b) "Liquor store", any retail establishment which sells exclusively or primarily intoxicating liquor. Such term does not include a grocery store which sells both intoxicating liquor and groceries including staple foods as outlined under the Food and Nutrition Act of 2008;

(c) **"Pornography", any of the following:**

a. **Any obscene material or performance depicting sexual conduct, sexual contact as defined in section 566.010, or a sexual performance; or**

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

(d) **"Tobacco products", cigarettes, cigarette papers, cigars, smokeless tobacco, smoking tobacco, vapor products, or any other form of tobacco products or products made with tobacco substitute containing nicotine;**

(2) Casinos, gambling casinos, or gaming establishments shall not include:

(a) A grocery store which sells groceries including staple foods, and which also offers, or is located within the same building or complex as a casino, gambling, or gaming activities; or

(b) Any other establishment that offers casino, gambling, or gaming activities incidental to the principal purpose of the business.

208.670. 1. As used in this section, these terms shall have the following meaning:"; and

Further amend said amendment, Page 6, Line 14, by inserting immediately after said line the following:

"Further amend said bill, Page 2, Section 208.078, Line 4, by inserting after all of said section and line the following:

"[208.182. 1. The family support division shall establish pilot projects in St. Louis City and in any county with a population of six hundred thousand or more, which shall provide for a system of electronic transfer of benefits to public assistance recipients. Such system shall allow recipients to obtain cash from automated teller machines or point of sale terminals. If less than the total amount of benefits is withdrawn, the recipient shall be given a receipt showing the current status of his or her account.

2. The disclosure of any information provided to a financial institution, business or vendor by the family support division under this section is prohibited. Such financial institution, business or vendor may not use or sell such information and may not divulge the information without a court order. Violation of this subsection is a class A misdemeanor.

3. Subject to appropriations and subject to receipt of waivers from the federal government to prevent the loss of any federal funds, the department of social services shall require the use of photographic identification on electronic benefit transfer cards issued to recipients in this system. Such photographic identification electronic benefit transfer card shall be in a form approved by the department of social services.

4. The family support division shall promulgate rules and regulations necessary to implement the provisions of this section pursuant to section 660.017 and chapter 536.

5. The delivery of electronic benefits and the electronic eligibility verification, including, but not limited to, aid to families with dependent children (AFDC), women, infants and children (WIC), early periodic screening diagnosis and treatment (EPSDT), food stamps, supplemental security income (SSI), including Medicaid, child support, and other programs, shall reside in one card that may be enabled by function from time to time in a convenient manner.]"; and"; and

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

On motion of Representative Eggleston, **House Amendment No. 1 to House Amendment No. 4** was adopted.

On motion of Representative Barnes, **House Amendment No. 4, as amended**, was adopted.

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

House Amendment No. 5

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 35, Page 2, Section 208.078, Line 4, by inserting immediately after said line the following:

"Section 1. No recommendation for a wage rate for any personal care attendant, as defined in section 208.900(6), shall be implemented unless there are specific annual appropriations made by the general assembly to fund such wage rate recommendations."; and

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

Representative Richardson moved the previous question.

Which motion was adopted by the following vote:

AYES: 107

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

NOES: 041

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

PRESENT: 000

ABSENT WITH LEAVE: 014

Black	Dugger	Fitzwater 144	Fraker	Gardner
Higdon	Hinson	Jones	Kidd	Korman
Lauer	Mitten	Newman	Shull	

VACANCIES: 001

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

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

House Amendment No. 6

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 35, Page 2, Section 208.078, Line 4, by inserting after all of said line and section the following:

"660.755. 1. There shall be created the joint interim legislative committee on human investment and social impact bonds.

2. The committee shall consist of the following members:

(1) Six members of the house of representatives, four appointed by the speaker of the house and two appointed by the minority floor leader; and

(2) Six members of the senate, four appointed by the president pro tem of the senate and two by the minority leader of the senate.

A majority of the members of the committee shall constitute a quorum. The members shall select one of its members to serve as chair and one to serve as vice chair.

3. The committee shall:

(1) Research the Pay for Success federal program and similar state program to determine whether a similar program would be beneficial to Missouri;

(2) Determine the feasibility of whether social impact bonds would be a beneficial financial tool for Missouri;

(3) Determine whether social impact bond agreements would use public resources more efficiently and improve services for disadvantaged populations;

(4) Identify third party providers that create and implement prevention-based social service programs and service that demonstrably result in positive impacts for individuals and families that are cost beneficial and that efficiently utilize government resources, such programs may focus on recidivism, homelessness, workforce development, preventative health care, early childhood and home-visiting program, or the foster care system;

(5) Develop and approve metrics by which to evaluate the third party provider's fiscal impact and project efficacy;

(6) Identify third party evaluators that determine whether a social impact bond agreement has been successfully performed; and

(7) Compile a full report on social impact bonds for the submission to the general assembly by January thirtieth of each year that the general assembly convenes in regular session.

3. The provisions of this section shall expire on January 30, 2020."; 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. 6** goes beyond the scope of the bill.

Representative Keeney requested a parliamentary ruling.

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

On motion of Representative Rowden, **House Amendment No. 6** was adopted.

Representative Richardson moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

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

NOES: 038

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

PRESENT: 000

ABSENT WITH LEAVE: 019

Black	Colona	Cross	Curtis	Dugger
English	Franklin	Gardner	Higdon	Hinson
Hough	Kidd	Korman	Lauer	McNeil
Newman	Pike	Shull	Webber	

VACANCIES: 001

On motion of Representative Haefner, **HCS SCS SB 35, as amended**, was adopted.

On motion of Representative Haefner, **HCS SCS SB 35, as amended**, was read the third time and passed by the following vote:

AYES: 107

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Beard	Bernskoetter
Berry	Bondon	Brattin	Brown 57	Brown 94
Burlison	Chipman	Cierpiot	Conway 104	Cookson
Corlew	Cornejo	Crawford	Cross	Curtman
Davis	Dogan	Dohrman	Eggleston	Engler
English	Entlicher	Fitzpatrick	Fitzwater 144	Fitzwater 49
Flanigan	Fraker	Frederick	Gannon	Gosen
Haahr	Haefner	Hansen	Hicks	Hill
Hinson	Hoskins	Houghton	Hubrecht	Hurst
Johnson	Jones	Justus	Keeney	Kelley
King	Koenig	Kolkmeier	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Mathews	McCaherty	McDaniel	McGaugh	Messenger
Miller	Morris	Muntzel	Neely	Parkinson
Pfausch	Phillips	Pietzman	Pike	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Roden	Roeber	Rone	Ross	Rowden
Rowland	Ruth	Shaul	Shumake	Solon
Sommer	Spencer	Swan	Taylor	Vescovo
Walker	White	Wiemann	Wilson	Wood
Zerr	Mr. Speaker			

NOES: 044

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

PRESENT: 000

ABSENT WITH LEAVE: 011

Black	Dugger	Franklin	Gardner	Higdon
Hough	Kidd	Korman	Newman	Shull
Webber				

VACANCIES: 001

Representative Keeney declared the bill passed.

Speaker Diehl resumed the Chair.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **CCR SCS HCS HB 42, as amended**, begs leave to report it has examined the same and recommends that it **Do Pass**.

BILLS IN CONFERENCE

CCR SCS HCS HB 42, as amended, relating to elementary and secondary education, was taken up by Representative Wood.

Representative Hummel raised a point of order that **CCR SCS HCS HB 42, as amended**, was not timely distributed, pursuant to Rule 60(c).

The Chair ruled the point of order not well taken.

Representative Richardson moved the previous question.

Which motion was adopted by the following vote:

AYES: 113

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

NOES: 043

Adams	Anders	Arthur	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellington	Gardner	Green	Harris	Hubbard
Hummel	Kendrick	Kirkton	Kratky	LaFaver
Lavender	May	McCann Beatty	McCreery	McDonald

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McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Runions
Smith	Walton Gray	Webber		

PRESENT: 000

ABSENT WITH LEAVE: 006

Black	Curtman	Higdon	Korman	Newman
Shull				

VACANCIES: 001

On motion of Representative Wood, **CCR SCS HCS HB 42, as amended**, was adopted by the following vote:

AYES: 085

Alferman	Allen	Anderson	Austin	Bahr
Barnes	Basye	Beard	Bernskoetter	Berry
Brattin	Brown 57	Brown 94	Burlison	Chipman
Cierpiot	Colona	Cookson	Corlew	Cornejo
Crawford	Cross	Curtis	Davis	Dogan
Dohrman	Eggleston	Engler	Fitzpatrick	Fitzwater 49
Flanigan	Franklin	Gosen	Haahr	Haefner
Hicks	Higdon	Hill	Hoskins	Houghton
Hubbard	Hubrecht	Hurst	Johnson	Jones
Justus	Keeney	Kelley	King	Koenig
Kolkmeier	Lair	Lant	Leara	Lichtenegger
Love	Lynch	Mathews	McCaherty	McGaugh
Miller	Moon	Pierson	Pietzman	Reiboldt
Remole	Richardson	Roden	Roeber	Rone
Ross	Rowden	Shaul	Shumake	Solon
Spencer	Swan	Taylor	Vescovo	White
Wiemann	Wilson	Wood	Zerr	Mr. Speaker

NOES: 071

Adams	Anders	Andrews	Arthur	Bondon
Burns	Butler	Carpenter	Conway 10	Conway 104
Curtman	Dugger	Dunn	Ellington	English
Entlicher	Fitzwater 144	Fraker	Gannon	Gardner
Green	Hansen	Harris	Hinson	Hough
Hummel	Kendrick	Kidd	Kirkton	Kratky
LaFaver	Lauer	Lavender	Marshall	May
McCann Beatty	McCreery	McDaniel	McDonald	McManus
McNeil	Meredith	Messenger	Mims	Mitten
Montecillo	Morgan	Morris	Muntzel	Neely
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Phillips	Pogue	Redmon
Rehder	Rhoads	Rizzo	Rowland	Runions
Ruth	Smith	Sommer	Walker	Walton Gray
Webber				

PRESENT: 001

Frederick

ABSENT WITH LEAVE: 005

Black Korman Newman Pike Shull

VACANCIES: 001

On motion of Representative Wood, **CCS SCS HCS HB 42** was read the third time and passed by the following vote:

AYES: 084

Alferman	Allen	Anderson	Austin	Bahr
Barnes	Basye	Beard	Bernskoetter	Berry
Brattin	Brown 57	Brown 94	Burlison	Chipman
Cierpiot	Colona	Cookson	Corlew	Cornejo
Crawford	Cross	Curtis	Curtman	Davis
Dogan	Dohrman	Eggleston	Engler	Fitzpatrick
Fitzwater 49	Flanigan	Franklin	Frederick	Gosen
Haahr	Haefner	Hicks	Higdon	Hill
Hoskins	Houghton	Hubbard	Hubrecht	Hurst
Johnson	Jones	Justus	Keeney	Kelley
King	Koenig	Kolkmeier	Lair	Lant
Leara	Lichtenegger	Love	Lynch	Mathews
McCaherty	McGaugh	Pierson	Reiboldt	Remole
Richardson	Roden	Roeber	Rone	Ross
Rowden	Shaul	Shumake	Solon	Spencer
Swan	Taylor	Vescovo	White	Wiemann
Wilson	Wood	Zerr	Mr. Speaker	

NOES: 073

Adams	Anders	Andrews	Arthur	Bondon
Burns	Butler	Carpenter	Conway 10	Conway 104
Dugger	Dunn	Ellington	English	Entlicher
Fitzwater 144	Fraker	Gannon	Gardner	Green
Hansen	Harris	Hinson	Hough	Hummel
Kendrick	Kidd	Kirkton	Kratky	LaFaver
Lauer	Lavender	Marshall	May	McCann Beatty
McCreery	McDaniel	McDonald	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Phillips	Pietzman
Pike	Pogue	Rehder	Rhoads	Rizzo
Rowland	Runions	Ruth	Smith	Sommer
Walker	Walton Gray	Webber		

PRESENT: 000

ABSENT WITH LEAVE: 005

Black Korman Newman Redmon Shull

VACANCIES: 001

Speaker Diehl declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 110

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Beard	Bernskoetter
Berry	Bondon	Brattin	Brown 57	Brown 94
Burlison	Chipman	Cierpiot	Colona	Conway 104
Cookson	Corlew	Cornejo	Crawford	Cross
Curtis	Curtman	Davis	Dogan	Dohrman
Eggleston	Engler	Entlicher	Fitzpatrick	Fitzwater 144
Fitzwater 49	Flanigan	Fraker	Franklin	Frederick
Gannon	Gosen	Haahr	Haefner	Hansen
Hicks	Higdon	Hill	Hinson	Hoskins
Hough	Houghton	Hubbard	Hubrecht	Hurst
Johnson	Jones	Justus	Keeney	Kelley
Kidd	King	Koenig	Kolkmeyer	Lair
Lant	Leara	Lichtenegger	Love	Lynch
Mathews	McCaherty	McDaniel	McGaugh	Messenger
Miller	Morris	Muntzel	Neely	Pfautsch
Phillips	Pierson	Pietzman	Pike	Redmon
Reiboldt	Remole	Rhoads	Richardson	Roden
Roeber	Rone	Ross	Rowden	Rowland
Ruth	Shaul	Shumake	Solon	Sommer
Spencer	Swan	Taylor	Vescovo	White
Wiemann	Wilson	Wood	Zerr	Mr. Speaker

NOES: 047

Adams	Anders	Arthur	Burns	Butler
Carpenter	Conway 10	Dunn	Ellington	English
Gardner	Green	Harris	Hummel	Kendrick
Kirkton	Kratky	LaFaver	Lauer	Lavender
Marshall	May	McCann Beatty	McCreery	McDonald
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Moon	Morgan	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pogue
Rehder	Rizzo	Runions	Smith	Walker
Walton Gray	Webber			

PRESENT: 000

ABSENT WITH LEAVE: 005

Black	Dugger	Korman	Newman	Shull
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VACANCIES: 001

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 HCS HB 722** entitled:

An act to amend chapters 260 and 285, RSMo, by adding thereto two new sections relating to prohibited ordinances by political subdivisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HB 152, as amended**, and grants the House a conference thereon.

Also, the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House.

Senators: Onder, Dixon, Riddle, Sifton, and Keaveny

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HB 615** and grants the House a conference thereon.

Also, the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House.

Senators: Schatz, Romine, Libla, Walsh, and Sifton

APPOINTMENT OF CONFERENCE COMMITTEES

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

SCS HB 152: Representatives Haahr, Cornejo, Austin, McCreery, and LaFaver

SCS HB 615: Representatives Dohrman, Gosen, Austin, Webber, and McManus

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

SCS HB 41 - Fiscal Review

SCS HB 343 - Fiscal Review

SCS HB 403 - Fiscal Review

SS SCS HCS HBs 517 & 754 - Fiscal Review

SS#2 HCS HB 722 - Fiscal Review

SCS HB 947 - Fiscal Review

SCS HB 1098 - Fiscal Review

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SCS SB 131 - Fiscal Review

HCS SCS SB 230 - Fiscal Review

COMMITTEE REPORTS

Committee on Children and Families, Chairman Franklin reporting:

Mr. Speaker: Your Committee on Children and Families, to which was referred **HB 804**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(12) be referred to the Select Committee on Social Services.

Mr. Speaker: Your Committee on Children and Families, to which was referred **SB 533**, 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(12) be referred to the Select Committee on Social Services.

House Committee Amendment No. 1

AMEND Senate Bill No. 533, Page 3, Section 210.003, Line 57, by inserting after all of said section and line the following:

"210.221. 1. The department of health and senior services shall have the following powers and duties:

(1) After inspection, to grant licenses to persons to operate child-care facilities if satisfied as to the good character and intent of the applicant and that such applicant is qualified and equipped to render care or service conducive to the welfare of children, and to renew the same when expired. No license shall be granted for a term exceeding two years. Each license shall specify the kind of child-care services the licensee is authorized to perform, the number of children that can be received or maintained, and their ages and sex;

(2) To inspect the conditions of the homes and other places in which the applicant operates a child-care facility, inspect their books and records, premises and children being served, examine their officers and agents, deny, suspend, place on probation or revoke the license of such persons as fail to obey the provisions of sections 210.201 to 210.245 or the rules and regulations made by the department of health and senior services. The director also may revoke or suspend a license when the licensee fails to renew or surrenders the license;

(3) To promulgate and issue rules and regulations the department deems necessary or proper in order to establish standards of service and care to be rendered by such licensees to children. No rule or regulation promulgated by the division shall in any manner restrict or interfere with any religious instruction, philosophies or ministries provided by the facility and shall not apply to facilities operated by religious organizations which are not required to be licensed; [and]

(4) To approve training concerning the safe sleep recommendations of the American Academy of Pediatrics in accordance with section 210.223; and

(5) To determine what records shall be kept by such persons and the form thereof, and the methods to be used in keeping such records, and to require reports to be made to the department at regular intervals.

2. Any child-care facility may request a variance from a rule or regulation promulgated pursuant to this section. The request for a variance shall be made in writing to the department of health and senior services and shall include the reasons the facility is requesting the variance. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. The burden of proof at any appeal of a disapproval of a variance application shall be with the department of health and senior services. Local inspectors may grant a variance, subject to approval by the department of health and senior services.

3. The department shall deny, suspend, place on probation or revoke a license if it receives official written notice that the local governing body has found that license is prohibited by any local law related to the health and safety of children. The department may, after inspection, find the licensure, denial of licensure, suspension or revocation to be in the best interest of the state.

4. 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 210.201 to 210.245 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. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. 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, 1999, shall be invalid and void.

210.223. 1. All licensed child care facilities that provide care for children less than one year of age shall implement and maintain a written safe sleep policy in accordance with the most recent safe sleep recommendations of the American Academy of Pediatrics. The purpose of the safe sleep policy is to maintain a safe sleep environment that reduces the risk of sudden infant death syndrome and sudden unexpected infant deaths in children less than one year of age.

2. When, in the opinion of the infant's licensed health care provider, an infant requires alternative sleep positions or special sleeping arrangements that differ from those set forth in the most recent sleep recommendations of the American Academy of Pediatrics, the child care facility shall be provided with written instructions, signed by the infant's licensed health care provider, detailing the alternative sleep positions or special sleeping arrangements for such infant. The child care facility shall put the infant to sleep in accordance with such written instructions.

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

(1) "Sudden infant death syndrome", the sudden death of an infant less than one year of age that cannot be explained after a thorough investigation has been conducted, including a complete autopsy, an examination of the death scene, and a review of the clinical history;

(2) "Sudden unexpected infant death", the sudden and unexpected death of an infant less than one year of age in which the manner and cause of death are not immediately obvious prior to investigation. Causes of sudden unexpected infant death include, but are not limited to, metabolic disorders, hypothermia or hyperthermia, neglect or homicide, poisoning, and accidental suffocation.

4. All employees of licensed child care facilities who care for infants less than one year of age or any volunteer who may be assisting at the facility shall successfully complete department-approved training on the most recent safe sleep recommendations of the American Academy of Pediatrics every three years.

5. The department shall promulgate rules to implement the provisions of this section. Such rules shall include, but not be limited to:

(1) Amending any current rules which are not in compliance with the most recent safe sleep recommendations of the American Academy of Pediatrics, including but not limited to 19 CSR 30.62-092(1)C which permits the use of bumper pads in cribs and playpens;

(2) Keeping soft or loose bedding away from sleeping infants and out of safe sleep environments including, but not limited to, bumper pads, pillows, quilts, comforters, sleep positioning devices, sheepskins, blankets, flat sheets, cloth diapers, bibs, and other similar items; and

(3) Prohibiting blankets or other soft or loose bedding from being hung on the sides of cribs.

6. The department may adopt emergency rules to implement the requirements of this section. 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 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 the effective date of this section shall be invalid and void."; and

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

House Committee Amendment No. 2

AMEND Senate Bill No. 533, Page 2, Section 210.003, Line 34, by inserting immediately after the word "his" the words "**or her**"; 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 **HB 289**, 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 House Bill No. 289, Pages 1 to 4, Section 452.310, Lines 1 to 122, by deleting all of said lines and inserting in lieu thereof the following:

"452.314. Notwithstanding any other provision of law to the contrary, a guardian for an incapacitated person may file:

(1) **Any motion permissible under chapter 452. Such motions shall be filed on behalf of such incapacitated person;**

(2) A petition for dissolution of the marriage of, or if the incapacitated person has a history of religious objection to divorce, the guardian may file for a legal separation for such incapacitated person and may give testimony in support of the allegations contained in the petition, if the guardian has reasonable cause to believe that the incapacitated person has been the victim of abuse by the spouse of such incapacitated person."; and

Further amend said bill, Pages 4 to 10, Section 452.400, Lines 1 to 182, by deleting all of said lines; and

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

Mr. Speaker: Your Committee on Civil and Criminal Proceedings, to which was referred **SCR 22**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(9) be referred to the Select Committee on Judiciary.

Mr. Speaker: Your Committee on Civil and Criminal Proceedings, to which was referred **SB 141**, 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(9) be referred to the Select Committee on Judiciary.

House Committee Amendment No. 1

AMEND Senate Bill No. 141, Page 1, Section A, Line 2, by inserting after all of said line the following:

"595.010. 1. As used in sections 595.010 to 595.075, unless the context requires otherwise, the following terms shall mean:

(1) "Child", a dependent, unmarried person who is under eighteen years of age and includes a posthumous child, stepchild, or an adopted child;

(2) "Claimant", a victim or a dependent, relative, survivor, or member of the family of a victim eligible for compensation pursuant to sections 595.010 to 595.075, **or a funeral home if the victim's family or next of kin designates it as such under section 595.015;**

(3) "Conservator", a person or corporation appointed by a court to have the care and custody of the estate of a minor or a disabled person, including a limited conservator;

(4) "Counseling", problem-solving and support concerning emotional issues that result from criminal victimization licensed pursuant to section 595.030. Counseling is a confidential service provided either on an individual basis or in a group. Counseling has as a primary purpose to enhance, protect and restore a person's sense of well-being and social functioning after victimization. Counseling does not include victim advocacy services such as crisis telephone counseling, attendance at medical procedures, law enforcement interviews or criminal justice proceedings;

(5) "Crime", an act committed in this state which, if committed by a mentally competent, criminally responsible person who had no legal exemption or defense, would constitute a crime; provided that, such act involves the application of force or violence or the threat of force or violence by the offender upon the victim but shall include the crime of driving while intoxicated, vehicular manslaughter and hit and run; and provided, further, that no act involving the operation of a motor vehicle except driving while intoxicated, vehicular manslaughter and

hit and run which results in injury to another shall constitute a crime for the purpose of sections 595.010 to 595.075, unless such injury was intentionally inflicted through the use of a motor vehicle. A crime shall also include an act of terrorism, as defined in 18 U.S.C. Section 2331, which has been committed outside of the United States against a resident of Missouri;

- (6) "Crisis intervention counseling", helping to reduce psychological trauma where victimization occurs;
- (7) "Department", the department of public safety;
- (8) "Dependent", mother, father, spouse, spouse's mother, spouse's father, child, grandchild, adopted child, illegitimate child, niece or nephew, who is wholly or partially dependent for support upon, and living with, but shall include children entitled to child support but not living with, the victim at the time of his injury or death due to a crime alleged in a claim pursuant to sections 595.010 to 595.075;
- (9) "Direct service", providing physical services to a victim of crime including, but not limited to, transportation, funeral arrangements, child care, emergency food, clothing, shelter, notification and information;
- (10) "Director", the director of public safety of this state or a person designated by him for the purposes of sections 595.010 to 595.075;
- (11) "Disabled person", one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that the person lacks ability to manage his financial resources, including a partially disabled person who lacks the ability, in part, to manage his financial resources;
- (12) "Emergency service", those services provided within thirty days to alleviate the immediate effects of the criminal act or offense, and may include cash grants of not more than one hundred dollars;
- (13) "Earnings", net income or net wages;
- (14) "Family", the spouse, parent, grandparent, stepmother, stepfather, child, grandchild, brother, sister, half brother, half sister, adopted children of parent, or spouse's parents;
- (15) "Funeral expenses", the expenses of the funeral, burial, cremation or other chosen method of interment, including plot or tomb and other necessary incidents to the disposition of the remains;
- (16) "Gainful employment", engaging on a regular and continuous basis, up to the date of the incident upon which the claim is based, in a lawful activity from which a person derives a livelihood;
- (17) "Guardian", one appointed by a court to have the care and custody of the person of a minor or of an incapacitated person, including a limited guardian;
- (18) "Hit and run", the crime of leaving the scene of a motor vehicle accident as defined in section 577.060;
- (19) "Incapacitated person", one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that he lacks capacity to meet essential requirements for food, clothing, shelter, safety or other care such that serious physical injury, illness, or disease is likely to occur, including a partially incapacitated person who lacks the capacity to meet, in part, such essential requirements;
- (20) "Injured victim", a person:
 - (a) Killed or receiving a personal physical injury in this state as a result of another person's commission of or attempt to commit any crime;
 - (b) Killed or receiving a personal physical injury in this state while in a good faith attempt to assist a person against whom a crime is being perpetrated or attempted;
 - (c) Killed or receiving a personal physical injury in this state while assisting a law enforcement officer in the apprehension of a person who the officer has reason to believe has perpetrated or attempted a crime;
- (21) "Law enforcement official", a sheriff and his regular deputies, municipal police officer or member of the Missouri state highway patrol and such other persons as may be designated by law as peace officers;
- (22) "Offender", a person who commits a crime;
- (23) "Personal physical injury", actual bodily harm only with respect to the victim. Personal physical injury may include mental or nervous shock resulting from the specific incident upon which the claim is based;
- (24) "Private agency", a not-for-profit corporation, in good standing in this state, which provides services to victims of crime and their dependents;
- (25) "Public agency", a part of any local or state government organization which provides services to victims of crime;
- (26) "Relative", the spouse of the victim or a person related to the victim within the third degree of consanguinity or affinity as calculated according to civil law;
- (27) "Survivor", the spouse, parent, legal guardian, grandparent, sibling or child of the deceased victim of the victim's household at the time of the crime;

(28) "Victim", a person who suffers personal physical injury or death as a direct result of a crime, as defined in subdivision (5) of this subsection;

(29) "Victim advocacy", assisting the victim of a crime and his dependents to acquire services from existing community resources.

2. As used in sections 565.024 and 565.060 and sections 595.010 to 595.075, the term "alcohol-related traffic offense" means those offenses defined by sections 577.001, 577.010, and 577.012, and any county or municipal ordinance which prohibits operation of a motor vehicle while under the influence of alcohol.

595.015. 1. The department of public safety shall, pursuant to the provisions of sections 595.010 to 595.075, have jurisdiction to determine and award compensation to, or on behalf of, victims of crimes. In making such determinations and awards, the department shall ensure the compensation sought is reasonable and consistent with the limitations described in sections 595.010 to 595.075. Additionally, if compensation being sought includes medical expenses, the department shall further ensure that such expenses are medically necessary. The department of public safety may pay directly to the provider of the services compensation for medical or funeral expenses, or expenses for other services as described in section 595.030, incurred by the claimant. The department is not required to provide compensation in any case, nor is it required to award the full amount claimed. The department shall make its award of compensation based upon independent verification obtained during its investigation.

2. Such claims shall be made by filing an application for compensation with the department of public safety. The application form shall be furnished by the department and the signature shall be notarized. The application shall include:

- (1) The name and address of the victim;
- (2) If the claimant is not the victim, the name and address of the claimant and relationship to the victim, the names and addresses of the victim's dependents, if any, and the extent to which each is so dependent;
- (3) The date and nature of the crime or attempted crime on which the application for compensation is based;
- (4) The date and place where, and the law enforcement officials to whom, notification of the crime was given;
- (5) The nature and extent of the injuries sustained by the victim, the names and addresses of those giving medical and hospital treatment to the victim and whether death resulted;
- (6) The loss to the claimant or a dependent resulting from the injury or death;
- (7) The amount of benefits, payments or awards, if any, payable from any source which the claimant or dependent has received or for which the claimant or dependent is eligible as a result of the injury or death;
- (8) Releases authorizing the surrender to the department of reports, documents and other information relating to the matters specified under this section; and
- (9) Such other information as the department determines is necessary.

3. In addition to the application, the department may require that the claimant submit materials substantiating the facts stated in the application.

4. If the department finds that an application does not contain the required information or that the facts stated therein have not been substantiated, it shall notify the claimant in writing of the specific additional items of information or materials required and that the claimant has thirty days from the date of mailing in which to furnish those items to the department. Unless a claimant requests and is granted an extension of time by the department, the department shall reject with prejudice the claim of the claimant for failure to file the additional information or materials within the specified time.

5. The claimant may file an amended application or additional substantiating materials to correct inadvertent errors or omissions at any time before the department has completed its consideration of the original application.

6. The claimant, victim or dependent shall cooperate with law enforcement officials in the apprehension and prosecution of the offender in order to be eligible, or the department has found that the failure to cooperate was for good cause.

7. Any state or local agency, including a prosecuting attorney or law enforcement agency, shall make available without cost to the fund all reports, files and other appropriate information which the department requests in order to make a determination that a claimant is eligible for an award pursuant to sections 595.010 to 595.075.

8. If the victim is deceased, the victim's family or next of kin may sign a notarized statement designating the funeral home as a claimant eligible for compensation from the crime victims' compensation fund provided such funeral home complies with the provisions of this section.

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

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

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

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

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

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

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

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

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

(4) Professional counselor licensed pursuant to chapter 337.

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

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

7. The method and timing of the payment of any compensation pursuant to sections 595.010 to 595.075 shall be determined by the department; **except that, if a funeral home has been designated as a claimant under subsection 8 of section 595.015, the payment of any compensation under sections 595.010 to 595.075 shall be made within one year of the filing of such claim.**"; and

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

House Committee Amendment No. 2

AMEND Senate Bill No. 141, Page 2, Section 595.030, Lines 40 and 41, by deleting all of said lines and inserting in lieu thereof the following:

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

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

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

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

Mr. Speaker: Your Committee on Civil and Criminal Proceedings, to which was referred **SS#2 SCS SBs 199, 417 & 42**, 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(9) be referred to the Select Committee on Judiciary.

House Committee Amendment No. 1

AMEND Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 199, 417 & 42, Pages 1-2, Section 537.570, by removing all of said section from the bill; and

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

House Committee Amendment No. 2

AMEND Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 199, Page 1, In the Title, Line 6, by deleting the words "government officials" and inserting in lieu thereof the words "public employees"; and

Further amend said bill, Page 3, Section 563.046, Line 28, by inserting immediately after said line the following:

"590.510. 1. Every law enforcement agency in this state shall have a written policy regarding the investigation of officer-involved deaths that involve a law enforcement officer employed by the law enforcement agency. Such written policy shall:

(1) Require an investigation conducted by at least two investigators, one of whom is the lead investigator and neither of whom is employed by a law enforcement agency that employs a law enforcement officer involved in the officer-involved death;

(2) Require the investigation to use a crash reconstruction unit from a law enforcement agency that does not employ a law enforcement officer involved in the officer-involved death being investigated, if the death is traffic-related. However, any state law enforcement agency may allow an investigation involving a law enforcement officer employed by that agency to use a crash reconstruction unit from the same state law enforcement agency; and

(3) Allow an internal investigation into the officer-involved death if the internal investigation does not interfere with the investigation required under this section.

2. Compensation for participation in an investigation under this chapter shall be determined in a manner consistent with mutual aid agreements.

3. The investigators conducting an investigation under this section shall provide a complete report, in an expeditious manner, to the prosecutor of the county or city not within a county in which the officer-involved death occurred. If the prosecutor determines there is no basis to prosecute the law enforcement officer involved in the officer-involved death, the investigators conducting the investigation under this section shall release a report of their findings.

4. As used in this section, the term "officer-involved death" shall mean a death of an individual that results directly from an action or an omission of a law enforcement officer while the officer is on duty or while the officer is off duty but performing activities that are within the scope of his or her law enforcement duties."; and

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

Mr. Speaker: Your Committee on Civil and Criminal Proceedings, to which was referred **SB 200**, 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 Bill No. 200, Page 1, In the Title, Line 6, by deleting the words "first degree murder" and inserting in lieu thereof "judicial proceedings"; and

Further amend said bill and page, Section A, Line 7, by inserting immediately after said section and line the following:

"217.736. 1. For purposes of this section, a "youth offender parole hearing" is a hearing by the Board of Probation and Parole for the purpose of reviewing the parole suitability of any prisoner convicted of an offense or offenses that were committed while the prisoner was under eighteen years of age.

2. A person who was convicted of an offense or offenses that were committed while the person was under eighteen years of age and was sentenced to a cumulative term totaling more than forty years shall be eligible for release on parole by the board during his or her thirtieth year of incarceration, unless previously released or entitled to an earlier parole consideration hearing pursuant to other statutory provisions.

3. The youth offender parole hearing to consider release shall provide for a meaningful opportunity to obtain release. In addition to the guidelines considered at all parole hearings, the board, in reviewing a prisoner's suitability for parole at a youth offender parole hearing, shall give great weight to the following specific factors unique to youth:

- (1) The subsequent growth and increased maturity of the prisoner during incarceration;**
- (2) Efforts made toward rehabilitation during incarceration, including participation in education programs or other programming during incarceration;**
- (3) Evidence of acceptance of accountability for crime;**
- (4) Past experiences of trauma or abuse;**
- (5) The nature and circumstances of the offense committed by the defendant;**
- (6) The degree of the defendant's culpability in light of his or her age and role in the offense, including intellectual capacity, and mental and emotional health;**
- (7) The defendant's background, including his or her family, home, and community environment;**
- (8) The effect of immaturity, impetuosity, or failure to appreciate risks and consequences on the defendant's participation in the offense;**
- (9) The extent of the defendant's participation in the offense;**
- (10) The effect of familial pressure or peer pressure on the defendant's actions; and**
- (11) Whether the juvenile offender remains the same risk to society as he or she did at the time of the initial sentencing.**

4. Family members, friends, school personnel, faith leaders, and representatives from community-based organizations with knowledge about the individual before the crime or his or her growth and maturity since the time of the crime may submit statements for review by the board.

5. Nothing in this section is intended to alter the rights of victims at parole hearings. The victim or the victim's family shall be notified by the board of any parole hearings. The victim or the victim's family may be heard in person at the hearing, via telephone, or by electronic means. If the victim or victim's family member chooses not to participate in the hearing, the board may consider previous statements made by the victim, victim's family during trial, the initial sentencing phase, or another board hearing.; and

Further amend said bill, Page 12, Section 556.061, Line 122, by inserting immediately after said line the following:

"558.047. 1. Any person sentenced to a term of imprisonment for life without eligibility for parole before the effective date of this section who was under eighteen years of age at the time of the commission of the offense or offenses may submit to the sentencing court of original jurisdiction a petition for a review of his or her sentence, regardless of whether the case is final for purposes of appeal.

2. A copy of the petition shall be served on the office of the prosecutor in the judicial circuit of original jurisdiction. The petition shall include the person's statement that he or she was under eighteen years of age at the time of the offense, was sentenced to a term of imprisonment for life without eligibility for parole, and requests to be resentenced in accordance with section 565.033 in the same manner as if the person had not previously been sentenced.

3. If any of the information required in subsection 2 of this section is missing from the petition, or if proof of service on the prosecuting or circuit attorney is not provided, the court shall return the petition to the person and advise him or her that the matter cannot be considered without the missing information.

4. A reply to the petition, if any, shall be filed with the court within thirty days of the date on which the prosecuting or circuit attorney was served with the petition, unless a continuance is granted for good cause.

5. The court shall hold a hearing and resentence the defendant under section 565.011. Either the defense or prosecution may move for the resentencing hearing to take place in front of a jury instead of the judge. At such a resentencing hearing, the victim or victim's family members shall retain their rights under § 557.041."; and

Further amend said bill, Pages 16-18, Section 565.033, Lines 1-47, by deleting all of said section from the bill and inserting in lieu thereof the following:

"565.033. 1. A person found guilty of murder in the first degree who was under the age of eighteen at the time of the commission of the offense shall be sentenced to a term of years not less than twenty-five years and not to exceed forty years, or life imprisonment with parole.

2. When assessing punishment in all cases in which the defendant was under the age of eighteen at the time of the commission of the offense or offenses, the judge in a jury-waived trial shall consider, or the judge shall include in instructions to the jury for it to consider, the following factors:

- (1) The nature and circumstances of the offense committed by the defendant;
- (2) The degree of the defendant's culpability in light of his or her age and role in the offense;
- (3) The defendant's age, maturity, intellectual capacity, and mental and emotional health at the time of the offense;
- (4) The defendant's background, including his or her family, home, and community environment;
- (5) The effect of immaturity, impetuosity, or failure to appreciate risks and consequences on the defendant's participation in the offense;
- (6) The extent of the defendant's participation in the offense;
- (7) The effect of familial pressure or peer pressure on the defendant's actions;
- (8) The nature and extent of the defendant's prior criminal history;
- (9) The effect of characteristics attributable to the defendant's youth on the defendant's judgment;
- (10) A statement by the victim or the victim's family member as provided by § 557.041; and
- (11) Other relevant factors not inconsistent with *Miller v. Alabama*."; 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 **SS SB 476**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1, House Committee Amendment No. 2, House Committee Amendment No. 3, House Committee Amendment No. 4 and House Committee Amendment No. 5**, and pursuant to Rule 27(2) be referred to the Select Committee on Agriculture.

House Committee Amendment No. 1

AMEND Senate Substitute for Senate Bill No. 476, Page 41, Section 643.078, Lines 99-102, by deleting all of said lines and inserting in lieu thereof the following:

"commission if [an] **a construction, modification, or** operating permit is not issued **or renewed**, or may appeal any condition, suspension, modification or revocation of any permit by filing [notice of appeal] **a petition** with the"; and

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

House Committee Amendment No. 2

AMEND Senate Substitute for Senate Bill No. 476, Page 35, Section 640.115, Line 58, by inserting after all of said section and line the following:

"640.136. 1. Any public water system, as defined in section 640.102, or public water supply district, as defined in chapter 247, which intends to make modifications to fluoridation of its water supply shall notify the department of natural resources, the department of health and senior services, and its customers of its intentions at least ninety days prior to any vote on the matter. The public water system or public water supply district shall notify its customers via radio, television, newspaper, regular mail, electronic means, or any combination of notification methods to most effectively notify customers at least ninety days prior to any meeting at which the vote will occur. Any public water system or public water supply district that violates the notification requirements of this section shall reinstate fluoridation of its water supply until proper notification is provided under the provisions of this section.

2. In the case of an investor-owned water system, the entity calling for the discussion of modifications to fluoridation shall be responsible for the provisions of this section."; and

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

House Committee Amendment No. 3

AMEND Senate Substitute for Senate Bill No. 476, Page 56, Section 644.056, Line 87, by inserting after all of said section and line the following:

"644.145. 1. When issuing permits under this chapter that incorporate a new requirement for discharges from publicly owned combined or separate sanitary or storm sewer systems or **water or sewer** treatment works, or when enforcing provisions of this chapter or the Federal Water Pollution Control Act, 33 U.S.C. Section 1251, et seq., pertaining to any portion of a publicly owned combined or separate sanitary or storm sewer system or **water or sewer** treatment works, the department of natural resources shall make a finding of affordability on the costs to be incurred and the impact of any rate changes on ratepayers upon which to base such permits and decisions, to the extent allowable under this chapter and the Federal Water Pollution Control Act.

2. (1) The department of natural resources shall not be required under this section to make a finding of affordability when:

(a) Issuing collection system extension permits;

(b) Issuing National Pollution Discharge Elimination System operating permit renewals which include no new environmental requirements; or

(c) The permit applicant certifies that the applicable requirements are affordable to implement or otherwise waives the requirement for an affordability finding; however, at no time shall the department require that any applicant certify, as a condition to approving any permit, administrative or civil action, that a requirement, condition, or penalty is affordable.

(2) The exceptions provided under paragraph (c) of subdivision (1) of this subsection do not apply when the community being served has less than three thousand three hundred residents.

3. When used in this chapter and in standards, rules and regulations promulgated pursuant to this chapter, the following words and phrases mean:

(1) "Affordability", with respect to payment of a utility bill, a measure of whether an individual customer or household with an income equal to [the] **or lower [of] than** the median household income for their community [or the state of Missouri] can pay the bill without undue hardship or unreasonable sacrifice in the essential lifestyle or spending patterns of the individual or household, taking into consideration the criteria described in subsection 4 of this section;

(2) "Financial capability", the financial capability of a community to make investments necessary to make water quality-related improvements;

(3) "Finding of affordability", a department statement as to whether an individual or a household receiving as income an amount equal to [the] **or** lower [of] **than** the median household income for the applicant community [or the state of Missouri] would be required to make unreasonable sacrifices in [their] **the individual's or the household's** essential lifestyle or spending patterns or undergo hardships in order to make the projected monthly payments for sewer services. The department shall make a statement that the proposed changes meet the definition of affordable, or fail to meet the definition of affordable, or are implemented as a federal mandate regardless of affordability.

4. The department of natural resources shall adopt procedures by which it will make affordability findings that evaluate the affordability of permit requirements and enforcement actions described in subsection 1 of this section, and may begin implementing such procedures prior to promulgating implementing regulations. The commission shall have the authority to promulgate rules to implement this section pursuant to chapters 536 and 644, and shall promulgate such rules as soon as practicable. Affordability findings shall be based upon reasonably verifiable data and shall include an assessment of affordability with respect to persons or entities affected. The department shall offer the permittee an opportunity to review a draft affordability finding, and the permittee may suggest changes and provide additional supporting information, subject to subsection 6 of this section. The finding shall be based upon the following criteria:

(1) A community's financial capability and ability to raise or secure necessary funding;

(2) Affordability of pollution control options for the individuals or households at or below the median household income level of the community;

(3) An evaluation of the overall costs and environmental benefits of the control technologies;

(4) Inclusion of ongoing costs of operating and maintaining the existing wastewater collection and treatment system, including payments on outstanding debts for wastewater collection and treatment systems when calculating projected rates;

(5) An inclusion of ways to reduce economic impacts on distressed populations in the community, including but not limited to low- and fixed-income populations. This requirement includes but is not limited to:

(a) Allowing adequate time in implementation schedules to mitigate potential adverse impacts on distressed populations resulting from the costs of the improvements and taking into consideration local community economic considerations; and

(b) Allowing for reasonable accommodations for regulated entities when inflexible standards and fines would impose a disproportionate financial hardship in light of the environmental benefits to be gained;

(6) An assessment of other community investments and operating costs relating to environmental improvements and public health protection;

(7) An assessment of factors set forth in the United States Environmental Protection Agency's guidance, including but not limited to the "Combined Sewer Overflow Guidance for Financial Capability Assessment and Schedule Development" that may ease the cost burdens of implementing wet weather control plans, including but not limited to small system considerations, the attainability of water quality standards, and the development of wet weather standards; and

(8) An assessment of any other relevant local community economic condition.

5. Prescriptive formulas and measures used in determining financial capability, affordability, and thresholds for expenditure, such as median household income, should not be considered to be the only indicator of a community's ability to implement control technology and shall be viewed in the context of other economic conditions rather than as a threshold to be achieved.

6. Reasonable time spent preparing draft affordability findings, allowing permittees to review draft affordability findings or draft permits, or revising draft affordability findings, shall be allowed in addition to the department's deadlines for making permitting decisions pursuant to section 644.051.

7. If the department of natural resources fails to make a finding of affordability where required by this section, then the resulting permit or decision shall be null, void and unenforceable.

8. The department of natural resources' findings under this section may be appealed to the commission pursuant to subsection 6 of section 644.051.

9. The department shall file an annual report by the beginning of the fiscal year with the governor, the speaker of the house of representatives, the president pro tempore of the senate, and the chairs of the committees in both houses having primary jurisdiction over natural resource issues showing at least the following information on the findings of affordability completed in the previous calendar year:

(1) The total number of findings of affordability issued by the department, those categorized as affordable, those categorized as not meeting the definition of affordable, and those implemented as a federal mandate regardless of affordability;

(2) The average increase in sewer rates both in dollars and percentage for all findings found to be affordable;

(3) The average increase in sewer rates as a percentage of median house income in the communities for those findings determined to be affordable and a separate calculation of average increases in sewer rates for those found not to meet the definition of affordable;

(4) A list of all the permit holders receiving findings, and for each permittee the following data taken from the finding of affordability shall be listed:

(a) Current and projected monthly residential sewer rates in dollars;

(b) Projected monthly residential sewer rates as a percentage of median [house] **household** income;

(c) Percentage of households at or below the state poverty rate."; and

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

House Committee Amendment No. 4

AMEND Senate Substitute for Senate Bill No. 476, Page 1, Section A, Line 8, by inserting after all of said section and line the following:

"29.380. 1. The state auditor shall have the authority to audit solid waste management districts created under section 260.305 in the same manner as the auditor may audit any agency of the state.

2. Beginning August 28, [2012] **2015**, the state auditor [shall conduct an audit of each solid waste management district created under section 260.305 and thereafter shall] **may** conduct audits of [each] solid waste management [district] **districts** as he or she deems necessary. The state auditor may request reimbursement from the district for the costs of conducting the audit. **If the auditor requests such reimbursement, the solid waste management district shall reimburse the auditor for the costs of conducting the audit and the moneys shall be deposited in the petition audit revolving trust fund created under section 29.230. Such reimbursement shall be limited to two percent of the solid waste management district's annual monetary allocation.**"; and

Further amend said bill, Page 14, Section 259.210, Line 23, by inserting after all of said section and line the following:

"260.200. 1. The following words and phrases when used in sections 260.200 to 260.345 shall mean:

(1) "Alkaline-manganese battery" or "alkaline battery", a battery having a manganese dioxide positive electrode, a zinc negative electrode, an alkaline electrolyte, including alkaline-manganese button cell batteries intended for use in watches, calculators, and other electronic products, and larger-sized alkaline-manganese batteries in general household use;

(2) "Applicant", a person or persons seeking or holding a facility permit;

(3) "Bioreactor", a municipal solid waste disposal area or portion of a municipal solid waste disposal area where the controlled addition of liquid waste or water accelerates both the decomposition of waste and landfill gas generation;

(4) "Button cell battery" or "button cell", any small alkaline-manganese or mercuric-oxide battery having the size and shape of a button;

(5) "City", any incorporated city, town, or village;

(6) "Clean fill", uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete, cinderblocks, brick, minimal amounts of wood and metal, and inert solids as approved by rule or policy of the department for fill, reclamation or other beneficial use;

(7) "Closure", the permanent cessation of active disposal operations, abandonment of the disposal area, revocation of the permit or filling with waste of all areas and volumes specified in the permit and preparing the area for long-term care;

(8) "Closure plan", plans, designs and relevant data which specify the methods and schedule by which the operator will complete or cease disposal operations, prepare the area for long-term care, and make the area suitable for other uses, to achieve the purposes of sections 260.200 to 260.345 and the regulations promulgated thereunder;

(9) "Conference, conciliation and persuasion", a process of verbal or written communications consisting of meetings, reports, correspondence or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at a minimum, consist of one offer to meet with the alleged violator tendered by the department. During any such meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

(10) "Construction and demolition waste", waste materials from the construction and demolition of residential, industrial, or commercial structures, but shall not include materials defined as clean fill under this section;

(11) "Demolition landfill", a solid waste disposal area used for the controlled disposal of demolition wastes, construction materials, brush, wood wastes, soil, rock, concrete and inert solids insoluble in water;

(12) "Department", the department of natural resources;

(13) "Director", the director of the department of natural resources;

(14) "Disclosure statement", a sworn statement or affirmation, in such form as may be required by the director of the department of natural resources, which includes:

(a) The full names and business address of key personnel;

(b) The full name and business address of any entity, other than a natural person, that collects, transfers, processes, treats, stores, or disposes of solid waste in which all key personnel holds an equity interest of seven percent or more;

(c) A description of the business experience of all key personnel listed in the disclosure statement;

(d) For the five-year period ending on the date the sworn disclosure statement or affirmation is signed by key personnel:

a. A listing organized by issuing federal, state, or county or county-equivalent regulatory body of all environmental permits or licenses for the collection, transfer, treatment, processing, storage, or disposal of solid waste issued to or held by any key personnel;

b. A listing and explanation of notices of violation which shall by rule be defined, prosecutions, or other administrative enforcement actions resulting in an adjudication or conviction;

c. A listing of license or permit suspensions, revocations, or denials issued by any state, the federal government or a county or county equivalent, which are pending or have concluded with a finding of violation or entry of a consent agreement regarding an allegation of civil or criminal violation of law, regulation or requirement relating to the collection, transfer, treatment, processing, storage, or disposal of solid waste or violation of the environmental statutes of other states or federal statutes;

d. An itemized list of all felony convictions under the laws of the state of Missouri or the equivalent thereof under the laws of any other jurisdiction; and a listing of any findings of guilt for any crimes or criminal acts an element of which involves restraint of trade, price-fixing, intimidation of the customers of another person or for engaging in any other acts which may have the effect of restraining or limiting competition concerning activities regulated pursuant to this chapter or similar laws of other states or the federal government including, but not limited to, racketeering or violation of antitrust laws of any key personnel;

(15) "District", a solid waste management district established under section 260.305;

(16) "Financial assurance instrument", an instrument or instruments, including, but not limited to, cash or surety bond, letters of credit, corporate guarantee or secured trust fund, submitted by the applicant to ensure proper closure and postclosure care and corrective action of a solid waste disposal area in the event that the operator fails to correctly perform closure and postclosure care and corrective action requirements, except that the financial test for the corporate guarantee shall not exceed one and one-half times the estimated cost of closure and postclosure. The form and content of the financial assurance instrument shall meet or exceed the requirements of the department. The instrument shall be reviewed and approved or disapproved by the attorney general;

(17) "Flood area", any area inundated by the one hundred year flood event, or the flood event with a one percent chance of occurring in any given year;

(18) "Household consumer", an individual who generates used motor oil through the maintenance of the individual's personal motor vehicle, vessel, airplane, or other machinery powered by an internal combustion engine;

(19) "Household consumer used motor oil collection center", any site or facility that accepts or aggregates and stores used motor oil collected only from household consumers or farmers who generate an average of twenty-five gallons per month or less of used motor oil in a calendar year. This section shall not preclude a commercial generator from operating a household consumer used motor oil collection center;

(20) "Household consumer used motor oil collection system", any used motor oil collection center at publicly owned facilities or private locations, any curbside collection of household consumer used motor oil, or any

other household consumer used motor oil collection program determined by the department to further the purposes of sections 260.200 to 260.345;

(21) "Infectious waste", waste in quantities and characteristics as determined by the department by rule, including isolation wastes, cultures and stocks of etiologic agents, blood and blood products, pathological wastes, other wastes from surgery and autopsy, contaminated laboratory wastes, sharps, dialysis unit wastes, discarded biologicals known or suspected to be infectious; provided, however, that infectious waste does not mean waste treated to department specifications;

(22) "Key personnel", the applicant itself and any person employed by the applicant in a managerial capacity, or empowered to make discretionary decisions with respect to the solid waste operations of the applicant in Missouri, but shall not include employees exclusively engaged in the physical or mechanical collection, transfer, transportation, treatment, processing, storage, or disposal of solid waste and such other employees as the director of the department of natural resources may designate by regulation. If the applicant has not previously conducted solid waste operations in Missouri, the term also includes any officer, director, partner of the applicant, or any holder of seven percent or more of the equity or debt of the applicant. If any holder of seven percent or more of the equity or debt of the applicant or of any key personnel is not a natural person, the term includes all key personnel of that entity, provided that where such entity is a chartered lending institution or a reporting company under the federal Securities Exchange Act of 1934, the term does not include key personnel of such entity. Provided further that the term means the chief executive officer of any agency of the United States or of any agency or political subdivision of the state of Missouri, and all key personnel of any person, other than a natural person, that operates a landfill or other facility for the collection, transfer, treatment, processing, storage, or disposal of nonhazardous solid waste under contract with or for one of those governmental entities;

(23) "Lead-acid battery", a battery designed to contain lead and sulfuric acid with a nominal voltage of at least six volts and of the type intended for use in motor vehicles and watercraft;

(24) "Major appliance", clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, woodstoves, air conditioners, refrigerators and freezers;

(25) "Mercuric-oxide battery" or "mercury battery", a battery having a mercuric-oxide positive electrode, a zinc negative electrode, and an alkaline electrolyte, including mercuric-oxide button cell batteries generally intended for use in hearing aids and larger size mercuric-oxide batteries used primarily in medical equipment;

(26) "Minor violation", a violation which possesses a small potential to harm the environment or human health or cause pollution, was not knowingly committed, and is not defined by the United States Environmental Protection Agency as other than minor;

(27) "Motor oil", any oil intended for use in a motor vehicle, as defined in section 301.010, train, vessel, airplane, heavy equipment, or other machinery powered by an internal combustion engine;

(28) "Motor vehicle", as defined in section 301.010;

(29) "Operator" and "permittee", anyone so designated, and shall include cities, counties, other political subdivisions, authority, state agency or institution, or federal agency or institution;

(30) "Permit modification", any permit issued by the department which alters or modifies the provisions of an existing permit previously issued by the department;

(31) "Person", any individual, partnership, limited liability company, corporation, association, trust, institution, city, county, other political subdivision, authority, state agency or institution, or federal agency or institution, or any other legal entity;

(32) "Plasma arc technology", a process that converts electrical energy into thermal energy. This electric arc is created when an ionized gas transfers electric power between two or more electrodes;

(33) "Postclosure plan", plans, designs and relevant data which specify the methods and schedule by which the operator shall perform necessary monitoring and care for the area after closure to achieve the purposes of sections 260.200 to 260.345 and the regulations promulgated thereunder;

(34) "Recovered materials", those materials which have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not they require subsequent separation and processing;

(35) "Recycled content", the proportion of fiber in a newspaper which is derived from postconsumer waste;

(36) "Recycling", the separation and reuse of materials which might otherwise be disposed of as solid waste;

(37) "Resource recovery", a process by which recyclable and recoverable material is removed from the waste stream to the greatest extent possible, as determined by the department and pursuant to department standards, for reuse or remanufacture;

(38) "Resource recovery facility", a facility in which recyclable and recoverable material is removed from the waste stream to the greatest extent possible, as determined by the department and pursuant to department standards, for reuse or remanufacture;

(39) "Sanitary landfill", a solid waste disposal area which accepts commercial and residential solid waste;

(40) "Scrap tire", a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect;

(41) "Scrap tire collection center", a site where scrap tires are collected prior to being offered for recycling or processing and where fewer than five hundred tires are kept on site on any given day;

(42) "Scrap tire end-user facility", a site where scrap tires are used as a fuel or fuel supplement or converted into a usable product. Baled or compressed tires used in structures, or used at recreational facilities, or used for flood or erosion control shall be considered an end use;

(43) "Scrap tire generator", a person who sells tires at retail or any other person, firm, corporation, or government entity that generates scrap tires;

(44) "Scrap tire processing facility", a site where tires are reduced in volume by shredding, cutting, or chipping or otherwise altered to facilitate recycling, resource recovery, or disposal;

(45) "Scrap tire site", a site at which five hundred or more scrap tires are accumulated, but not including a site owned or operated by a scrap tire end-user that burns scrap tires for the generation of energy or converts scrap tires to a useful product;

(46) "Solid waste", garbage, refuse and other discarded materials including, but not limited to, solid and semisolid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste as defined in sections 260.360 to 260.432, recovered materials, overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting;

(47) "Solid waste disposal area", any area used for the disposal of solid waste from more than one residential premises, or one or more commercial, industrial, manufacturing, recreational, or governmental operations;

(48) "Solid waste fee", a fee imposed pursuant to sections 260.200 to 260.345 and may be:

(a) A solid waste collection fee imposed at the point of waste collection; or

(b) A solid waste disposal fee imposed at the disposal site;

(49) "Solid waste management area", a solid waste disposal area which also includes one or more of the functions contained in the definitions of recycling, resource recovery facility, waste tire collection center, waste tire processing facility, waste tire site or solid waste processing facility, excluding incineration;

(50) **"Solid waste management project", a targeted project that meets statewide waste reduction and recycling priorities, and for which no solid waste management district grant applicant has applied to perform, and for which no qualified applicants have applied to perform such project by a competitive bid issued by the solid waste management district for the completion of such project;**

(51) "Solid waste management system", the entire process of managing solid waste in a manner which minimizes the generation and subsequent disposal of solid waste, including waste reduction, source separation, collection, storage, transportation, recycling, resource recovery, volume minimization, processing, market development, and disposal of solid wastes;

[(51)] (52) "Solid waste processing facility", any facility where solid wastes are salvaged and processed, including:

(a) A transfer station; or

(b) An incinerator which operates with or without energy recovery but excluding waste tire end-user facilities; or

(c) A material recovery facility which operates with or without composting;

(d) A plasma arc technology facility;

[(52)] (53) "Solid waste technician", an individual who has successfully completed training in the practical aspects of the design, operation and maintenance of a permitted solid waste processing facility or solid waste disposal area in accordance with sections 260.200 to 260.345;

[(53)] (54) "Tire", a continuous solid or pneumatic rubber covering encircling the wheel of any self-propelled vehicle not operated exclusively upon tracks, or a trailer as defined in chapter 301, except farm tractors and farm implements owned and operated by a family farm or family farm corporation as defined in section 350.010;

[(54)] (55) "Used motor oil", any motor oil which, as a result of use, becomes unsuitable for its original purpose due to loss of original properties or the presence of impurities, but used motor oil shall not include ethylene glycol, oils used for solvent purposes, oil filters that have been drained of free flowing used oil, oily waste, oil

recovered from oil tank cleaning operations, oil spilled to land or water, or industrial nonlube oils such as hydraulic oils, transmission oils, quenching oils, and transformer oils;

[(55)] (56) "Utility waste landfill", a solid waste disposal area used for fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;

[(56)] (57) "Yard waste", leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

2. For the purposes of this section and sections 260.270 to 260.279 and any rules in place as of August 28, 2005, or promulgated under said sections, the term "scrap" shall be used synonymously with and in place of waste, as it applies only to scrap tires.

260.225. 1. The department shall administer sections 260.200 to 260.345 to maximize the amount of recovered materials and to minimize disposal of solid waste in sanitary landfills. The department shall, through its rules and regulations, policies and programs, encourage to the maximum extent practical, the use of alternatives to disposal. To accomplish these objectives, the department shall:

(1) Administer the state solid waste management program pursuant to the provisions of sections 260.200 to 260.345;

(2) Cooperate with appropriate federal, state, and local units of government of this or any other state, and with appropriate private organizations in carrying out its authority under sections 260.200 to 260.345;

(3) Promulgate and adopt, after public hearing, such rules and regulations relating to solid waste management systems as shall be necessary to carry out the purposes and provisions of sections 260.200 to 260.345;

(4) Develop a statewide solid waste management plan in cooperation with local governments, regional planning commissions, districts, and appropriate state agencies;

(5) Provide technical assistance to cities, counties, districts, and authorities;

(6) Develop and conduct a mandatory solid waste technician training course of study;

(7) Conduct and contract for research and investigations in the overall area of solid waste storage, collection, recycling, recovery, processing, transportation and disposal, including, but not limited to, new and novel procedures;

(8) Subject to appropriation by the general assembly, establish criteria for awarding state-funded solid waste management [planning] grants to cities, counties, and districts, allocate funds, and monitor the proper expenditure of funds;

(9) Issue such permits and orders and conduct such inspections as may be necessary to implement the provisions of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections 260.200 to 260.345;

(10) Initiate, conduct and support research, demonstration projects, and investigations with applicable federal programs pertaining to solid waste management systems;

(11) Contract with cities, counties, districts and other persons to act as its agent in carrying out the provisions of sections 260.200 to 260.345 under procedures and conditions as the department shall prescribe.

2. The department shall prepare model solid waste management plans suitable for rural and urban areas which may be used by districts, counties and cities. In preparing the model plans, the department shall consider the findings and recommendations of the study of resource recovery conducted pursuant to section 260.038, and other relevant information. The plans shall conform with the requirements of section 260.220 and section 260.325 and shall:

(1) Emphasize waste reduction and recycling;

(2) Provide for economical waste management through regional **and district** cooperation;

(3) Be designed to achieve a reduction of forty percent in solid waste disposed, by weight, by January 1, 1998;

(4) Establish a means to measure the amount of reduction in solid waste disposal;

(5) Provide for the elimination of small quantities of hazardous waste, including household hazardous waste, from the solid waste stream; and

(6) Be designed to guide planning in districts, cities and counties including cities and counties not within a district.

3. The model plan shall be distributed to the executive board of each solid waste district and to counties and cities not within a district by December 1, 1991.

4. No rule or portion of a rule promulgated under the authority of sections 260.200 to 260.345 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

5. In coordination with other appropriate state agencies, including, but not limited to, the division of commerce and industrial development, the office of administration, the environmental improvement and energy

resource authority, and the public service commission, the department shall perform the following duties in order to promote resource recovery in the state in ways which are economically feasible:

- (1) Identify markets for recovered materials and for energy which could be produced from solid waste and household hazardous waste;
 - (2) Provide technical assistance pertaining to all aspects of resource recovery to cities, counties, districts, industries and other persons;
 - (3) Identify opportunities for resource recovery programs in state government and initiate actions to implement such programs;
 - (4) Expand state contracts for procurement of items made from recovered materials;
 - (5) Initiate recycling programs within state government;
 - (6) Provide a clearinghouse of consumer information regarding the need to support resource recovery, utilize and develop new resource recovery programs around existing enterprises, request and purchase recycled products, participate in resource conservation activities and other relevant issues;
 - (7) Identify barriers to resource recovery and resource conservation, and propose remedies to these barriers; and
 - (8) Initiate activities with appropriate state and local entities to develop markets for recovered materials.";
- and

Further amend said bill, Page 15, Section 260.235, Line 34, by inserting after all of said section and line the following:

"260.250. 1. After January 1, 1991, major appliances, waste oil and lead-acid batteries shall not be disposed of in a solid waste disposal area. After January 1, 1992, yard waste shall not be disposed of in a solid waste disposal area, except as otherwise provided in this subsection. After August 28, 2007, yard waste may be disposed of in a municipal solid waste disposal area or portion of a municipal solid waste disposal area provided that:

- (1) The department has approved the municipal solid waste disposal area or portion of a solid waste disposal area to operate as a bioreactor under 40 CFR Part 258.4; and
 - (2) The landfill gas produced by the bioreactor shall be used for the generation of electricity.
2. After January 1, 1991, waste oil shall not be incinerated without energy recovery.
3. Each **solid waste management** district[, county and city] shall address the recycling, reuse and handling of aluminum containers, glass containers, newspapers, **textiles**, whole tires, plastic beverage containers and steel containers in its solid waste management plan consistent with sections 260.250 to 260.345.

260.320. 1. The executive board shall meet within thirty days after the selection of the initial members. The time and place of the first meeting of the board shall be designated by the council. A majority of the members of the board shall constitute a quorum. At its first meeting the board shall elect a chairman from its members and select a secretary, treasurer and such officers or employees as it deems expedient or necessary for the accomplishment of its purposes. The secretary and treasurer need not be members of the board.

2. The executive board may adopt, alter or repeal its own bylaws, rules and regulations governing the manner in which its business may be transacted, including procedures for the replacement of persons who habitually fail to attend board meetings, and may establish its fiscal year, adopt an official seal, apply for and accept grants, gifts or appropriations from any public or private sector, make all expenditures which are incidental and necessary to carry out its purposes and powers, and take such action, enter into such agreements and exercise all other powers and functions necessary or appropriate to carry out the duties and purposes of sections 260.200 to 260.345.

3. The executive board shall:

- (1) Review and comment upon applications for permits submitted pursuant to section 260.205, for solid waste processing facilities and solid waste disposal areas which are to be located within the region or, if located in an adjacent region, which will impact solid waste management practices within the region;
- (2) Prepare and recommend to the council a solid waste management plan for the district;
- (3) Identify illegal dump sites and provide all available information about such sites to the appropriate county prosecutor and to the department;
- (4) Establish an education program to inform the public about responsible **solid** waste management practices;
- (5) Establish procedures to minimize the introduction of small quantities of hazardous waste, including household hazardous waste, into the solid waste stream;

(6) Assure adequate capacity to manage waste which is not otherwise removed from the solid waste stream; and

(7) Appoint one or more geographically balanced advisory committees composed of the representatives of commercial generators, representatives of the solid waste management industry, and two citizens unaffiliated with a solid waste facility or operation to assess and make recommendations on solid waste management.

4. The executive board may enter into contracts with any person **or entity** for services related to any component of the solid waste management system. Bid specifications for solid waste management services shall be designed to meet the objectives of sections 260.200 to 260.345, encourage small businesses to engage and compete in the delivery of **solid** waste management services and to minimize the long-run cost of managing solid waste. Bid specifications shall enumerate the minimum components and minimum quantities of waste products which shall be recycled by the successful bidder. The board shall divide the district into units to maximize access for small businesses when it requests bids for solid waste management services, **but in no case shall a district executive board perform solid waste management projects that compete with a qualified private enterprise.**

5. No person shall serve as a member of the council or of the executive board who is a stockholder, officer, agent, attorney or employee or who is in any way pecuniarily interested in any business which engages in any aspect of solid waste management regulated under sections 260.200 to 260.345; provided, however, that such member may own stock in a publicly traded corporation which may be involved in **solid** waste management as long as such holdings are not substantial.

260.324. 1. Any person or entity that applies for a grant under section 260.335 shall not be disqualified from receiving such grant on the basis that there exists a familial relationship between the applicant and any member of the solid waste management district executive board within the fourth degree by consanguinity or affinity. For applicants with a familial relationship with any member of the solid waste management district executive board within the fourth degree by consanguinity or affinity, the solid waste management district executive board shall only approve such grant application if approved by a vote of two-thirds of the solid waste management district executive board.

2. If a person, who by virtue of his or her membership on a solid waste management district executive board, does not abstain from a vote to award a solid waste management district grant to any person or entity providing solid waste management services who is a relative within the fourth degree by consanguinity or affinity, the person shall forfeit membership on the solid waste management district executive board and the solid waste management district council.

260.325. 1. The executive board of each district shall submit to the department a plan which has been approved by the council for a solid waste management system serving areas within its jurisdiction and shall, from time to time, submit officially adopted revisions of its plan as it deems necessary or the department may require. In developing the district's solid waste management plan, the board shall consider the model plan distributed to the board pursuant to section 260.225. Districts may contract with a licensed professional engineer or as provided in chapter 70 for the development and submission of a joint plan.

2. The board shall hold at least one public hearing in each county in the district when it prepares a proposed plan or substantial revisions to a plan in order to solicit public comments on the plan.

3. The solid waste management plan shall be submitted to the department within eighteen months of the formation of the district. The plan shall be prepared and submitted according to the procedures specified in section 260.220 and this section.

4. Each plan shall:

(1) Delineate areas within the district where solid waste management systems are in existence;

(2) Reasonably conform to the rules and regulations adopted by the department for implementation of sections 260.200 to 260.345;

(3) Delineate provisions for the collection of recyclable materials or collection points for recyclable materials;

(4) Delineate provisions for the collection of compostable materials or collection points for compostable materials;

(5) Delineate provisions for the separation of household waste and other small quantities of hazardous waste at the source or prior to disposal;

(6) Delineate provisions for the orderly extension of solid waste management services in a manner consistent with the needs of the district, including economic impact, and in a manner which will minimize degradation of the waters or air of the state, prevent public nuisances or health hazards, promote recycling and waste minimization and otherwise provide for the safe and sanitary management of solid waste;

(7) Take into consideration existing comprehensive plans, population trend projections, engineering and economics so as to delineate those portions of the district which may reasonably be expected to be served by a solid waste management system;

(8) Specify how the district will achieve a reduction in solid waste placed in sanitary landfills through waste minimization, reduction and recycling;

(9) Establish a timetable, with milestones, for the reduction of solid waste placed in a landfill through waste minimization, reduction and recycling;

(10) Establish an education program to inform the public about responsible waste management practices;

(11) Establish procedures to minimize the introduction of small quantities of hazardous waste, including household hazardous waste, into the solid waste stream;

(12) Establish a time schedule and proposed method of financing for the development, construction and operation of the planned solid waste management system together with the estimated cost thereof;

(13) Identify methods by which rural households that are not served by a regular solid waste collection service may participate in waste reduction, recycling and resource recovery efforts within the district; and

(14) Include such other reasonable information as the department shall require.

5. The board shall review the district's solid waste management plan at least every twenty-four months for the purpose of evaluating the district's progress in meeting the requirements and goals of the plan, and shall submit plan revisions to the department and council.

6. In the event any plan or part thereof is disapproved, the department shall furnish any and all reasons for such disapproval and shall offer assistance for correcting deficiencies. The executive board shall within sixty days revise and resubmit the plan for approval or request a hearing in accordance with section 260.235. Any plan submitted by a district shall stand approved one hundred twenty days after submission unless the department disapproves the plan or some provision thereof.

7. The director may institute appropriate action under section 260.240 to compel submission of plans in accordance with sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections 260.200 to 260.345.

8. [The provisions of section 260.215 to the contrary notwithstanding, any county within a region which on or after January 1, 1995, is not a member of a district shall by June 30, 1995, submit a solid waste management plan to the department of natural resources. Any county which withdraws from a district and all cities within the county with a population over five hundred shall submit a solid waste plan or a revision to an existing plan to the department of natural resources within one hundred eighty days of its decision not to participate. The plan shall meet the requirements of section 260.220 and this section.

9.] Funds may, upon appropriation, be made available to [cities, counties and] districts[,] under section 260.335, for the purpose of implementing the requirements of this section.

[10.] **9. Based upon the financial assistance amounts set forth in this section, the district executive board shall arrange for an independent financial [audits] statement audit of the records and accounts of its operations by a certified public accountant or a firm of certified public accountants. Districts receiving [two] more than eight hundred thousand dollars [or more] of financial assistance annually shall have annual independent financial statement audits [and]; districts receiving [less than] between two hundred fifty thousand dollars and eight hundred thousand dollars of financial assistance annually shall have a biennial independent financial [audits at least once every two years. The state auditor may examine the findings of such audits and may conduct audits of the districts] statement audit for the two-year period. All other districts shall be monitored biennially by the department and, based upon the findings within the monitoring report, may be required to arrange for an independent financial statement audit for the biennial monitoring period under review. Subject to limitations caused by the availability of resources, the department shall conduct a performance audit of grants to each district at least once every [three] five years, or as deemed necessary by the department based upon district grantee performance.**

260.330. 1. Except as otherwise provided in subsection 6 of this section, effective October 1, 1990, each operator of a solid waste sanitary landfill shall collect a charge equal to one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted and each operator of the solid waste demolition landfill shall collect a charge equal to one dollar per ton or its volumetric equivalent of solid waste accepted. Each operator shall submit the charge, less collection costs, to the department of natural resources for deposit in the "Solid Waste Management Fund" which is hereby created. On October 1, 1992, and thereafter, the charge imposed herein shall be adjusted annually by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency. No annual adjustment shall be made to the charge

imposed under this subsection during October 1, 2005, to October 1, [2017] **2027**, except an adjustment amount consistent with the need to fund the operating costs of the department and taking into account any annual percentage increase in the total of the volumetric equivalent of solid waste accepted in the prior year at solid waste sanitary landfills and demolition landfills and solid waste to be transported out of this state for disposal that is accepted at transfer stations. No annual increase during October 1, 2005, to October 1, [2017] **2027**, shall exceed the percentage increase measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency and calculated on the percentage of revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any such annual adjustment shall only be made at the discretion of the director, subject to appropriations. Collection costs shall be established by the department and shall not exceed two percent of the amount collected pursuant to this section.

2. The department shall, by rule and regulation, provide for the method and manner of collection.

3. The charges established in this section shall be enumerated separately from the disposal fee charged by the landfill and may be passed through to persons who generated the solid waste. Moneys [shall be] transmitted to the department shall be no less than the amount collected less collection costs and in a form, manner and frequency as the department shall prescribe. The provisions of section 33.080 to the contrary notwithstanding, moneys in the account shall not lapse to general revenue at the end of each biennium. Failure to collect the charge does not relieve the operator from responsibility for transmitting an amount equal to the charge to the department.

4. The department may examine or audit financial records and landfill activity records and measure landfill usage to verify the collection and transmittal of the charges established in this section. The department may promulgate by rule and regulation procedures to ensure and to verify that the charges imposed herein are properly collected and transmitted to the department.

5. Effective October 1, 1990, any person who operates a transfer station in Missouri shall transmit a fee to the department for deposit in the solid waste management fund which is equal to one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall be applicable to all solid waste to be transported out of the state for disposal. On October 1, 1992, and thereafter, the charge imposed herein shall be adjusted annually by the same percentage as the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency. No annual adjustment shall be made to the charge imposed under this subsection during October 1, 2005, to October 1, [2017] **2027**, except an adjustment amount consistent with the need to fund the operating costs of the department and taking into account any annual percentage increase in the total of the volumetric equivalent of solid waste accepted in the prior year at solid waste sanitary landfills and demolition landfills and solid waste to be transported out of this state for disposal that is accepted at transfer stations. No annual increase during October 1, 2005, to October 1, [2017] **2027**, shall exceed the percentage increase measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency and calculated on the percentage of revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any such annual adjustment shall only be made at the discretion of the director, subject to appropriations. The department shall prescribe rules and regulations governing the transmittal of fees and verification of waste volumes transported out of state from transfer stations. Collection costs shall also be established by the department and shall not exceed two percent of the amount collected pursuant to this subsection. A transfer station with the sole function of separating materials for recycling or resource recovery activities shall not be subject to the fee imposed in this subsection.

6. Each political subdivision which owns an operational solid waste disposal area may designate, pursuant to this section, up to two free disposal days during each calendar year. On any such free disposal day, the political subdivision shall allow residents of the political subdivision to dispose of any solid waste which may be lawfully disposed of at such solid waste disposal area free of any charge, and such waste shall not be subject to any state fee pursuant to this section. Notice of any free disposal day shall be posted at the solid waste disposal area site and in at least one newspaper of general circulation in the political subdivision no later than fourteen days prior to the free disposal day.

260.335. 1. Each fiscal year eight hundred thousand dollars from the solid waste management fund shall be made available, upon appropriation, to the department and the environmental improvement and energy resources authority to fund activities that promote the development and maintenance of markets for recovered materials. Each fiscal year up to two hundred thousand dollars from the solid waste management fund **may** be used by the department upon appropriation for grants to solid waste management districts for district grants and district operations. Only those solid waste management districts that are allocated fewer funds under subsection 2 of this

section than if revenues had been allocated based on the criteria in effect in this section on August 27, 2004, are eligible for these grants. An eligible district shall receive a proportionate share of these grants based on that district's share of the total reduction in funds for eligible districts calculated by comparing the amount of funds allocated under subsection 2 of this section with the amount of funds that would have been allocated using the criteria in effect in this section on August 27, 2004. The department and the authority shall establish a joint interagency agreement with the department of economic development to identify state priorities for market development and to develop the criteria to be used to judge proposed projects. Additional moneys may be appropriated in subsequent fiscal years if requested. The authority shall establish a procedure to measure the effectiveness of the grant program under this subsection and shall provide a report to the governor and general assembly by January fifteenth of each year regarding the effectiveness of the program.

2. All remaining revenues deposited into the fund each fiscal year after moneys have been made available under subsection 1 of this section shall be allocated as follows:

(1) Thirty-nine percent of the revenues shall be dedicated, upon appropriation, to the elimination of illegal solid waste disposal, to identify and prosecute persons disposing of solid waste illegally, to conduct solid waste permitting activities, to administer grants and perform other duties imposed in sections 260.200 to 260.345 and section 260.432. In addition to the thirty-nine percent of the revenues, the department may receive any annual increase in the charge during October 1, 2005, to October 1, [2014] **2027**, under section 260.330 and such increases shall be used solely to fund the operating costs of the department;

(2) Sixty-one percent of the revenues, except any annual increases in the charge under section 260.330 during October 1, 2005, to October 1, [2014] **2027**, which shall be used solely to fund the operating costs of the department, shall be allocated [through grants, upon appropriation, to participating cities, counties, and] **to solid waste management** districts. Revenues to be allocated under this subdivision shall be divided as follows: forty percent shall be allocated based on the population of each district in the latest decennial census, and sixty percent shall be allocated based on the amount of revenue generated within each district. For the purposes of this subdivision, revenue generated within each district shall be determined from the previous year's data. No more than fifty percent of the revenue allocable under this subdivision may be allocated to the districts upon approval of the department for implementation of a solid waste management plan and district operations, and at least fifty percent of the revenue allocable to the districts under this subdivision shall be allocated to the cities and counties of the district or to persons or entities providing solid waste management, waste reduction, recycling and related services in these cities and counties. Each district shall receive a minimum of seventy-five thousand dollars under this subdivision. After August 28, [2005] **2015**, each district shall receive a minimum of ninety-five thousand dollars under this subdivision for district grants and district operations. Each district receiving moneys under this subdivision shall expend such moneys pursuant to a solid waste management plan required under section 260.325, and only in the case that the district is in compliance with planning requirements established by the department. Moneys shall be awarded based upon grant applications. **The following criteria may be considered to establish the order of district grant priority:**

(a) **Grants to facilities of organizations employing individuals with disabilities under sections 178.900 to 178.960 or sections 205.968 to 205.972;**

(b) **Grants for proposals that will promote and maximize the sharing of district resources;**

(c) **Grants for proposals which provide methods of recycling and solid waste reduction; and**

(d) **All other grants.**

Any **allocated district** moneys remaining in any fiscal year due to insufficient or inadequate **grant** applications [may] shall be reallocated [pursuant to this subdivision] **for solid waste management projects other than district operations, including a district's next request for solid waste management project proposals. Any allocated district moneys remaining after a period of five years shall revert to the credit of the solid waste management fund created under section 260.330;**

(3) Except for the amount up to one-fourth of the department's previous fiscal year expense, any remaining unencumbered funds generated under subdivision (1) of this subsection in prior fiscal years shall be reallocated under this section;

(4) Funds may be made available under this subsection for the administration and grants of the used motor oil program described in section 260.253;

(5) The department and the environmental improvement and energy resources authority shall conduct sample audits of grants provided under this subsection.

3. **In addition to the criteria listed in this section**, the advisory board created in section 260.345 shall recommend criteria to be used to allocate grant moneys to districts, cities and counties. These criteria shall establish a priority for proposals which provide methods of solid waste reduction and recycling. The department shall

promulgate criteria for evaluating grants by rule and regulation. Projects of cities and counties located within a district which are funded by grants under this section shall conform to the district solid waste management plan.

4. The funds awarded to the districts[, counties and cities] pursuant to this section shall be used for the purposes set forth in sections 260.300 to 260.345, and shall be used in addition to existing funds appropriated by counties and cities for solid waste management and shall not supplant county or city appropriated funds.

5. **Once grants are approved by the solid waste management district, the district shall submit to the department the appropriate forms associated with the grant application and any supporting information to verify that appropriate public notice procedures were followed, that grant proposals were reviewed and ranked by the district, and that only eligible costs as set forth in regulations are to be funded. Within thirty days, the department shall review the grant application. If the department finds any deficiencies, or needs more information in order to evaluate the grant application, the department shall notify the district in writing. The district shall have an additional thirty days to respond to the department's request and to submit any additional information to the department. Within thirty days of receiving additional information, the department shall either approve or deny the grant application. If the department takes no action, the grant application shall be deemed approved.** The department, in conjunction with the solid waste advisory board, shall review the performance of all grant recipients to ensure that grant moneys were appropriately and effectively expended to further the purposes of the grant, as expressed in the recipient's grant application. The grant application shall contain specific goals and implementation dates, and grant recipients shall be contractually obligated to fulfill same. The department may require the recipient to submit periodic reports and such other data as are necessary, both during the grant period and up to five years thereafter, to ensure compliance with this section. The department may audit the records of any recipient to ensure compliance with this section. Recipients of grants under sections 260.300 to 260.345 shall maintain such records as required by the department. If a grant recipient fails to maintain records or submit reports as required herein, refuses the department access to the records, or fails to meet the department's performance standards, the department may withhold subsequent grant payments, if any, and may compel the repayment of funds provided to the recipient pursuant to a grant.

6. The department shall provide for a security interest in any machinery or equipment purchased through grant moneys distributed pursuant to this section.

7. If the moneys are not transmitted to the department within the time frame established by the rule promulgated, interest shall be imposed on the moneys due the department at the rate of ten percent per annum from the prescribed due date until payment is actually made. These interest amounts shall be deposited to the credit of the solid waste management fund.

260.345. **1.** A state "Solid Waste Advisory Board" is created within the department of natural resources. The advisory board shall be composed of the chairman of the executive board of each of the solid waste management districts **or his or her designee**, and other members as provided in this section. Up to five additional members shall be appointed by the **program director of the solid waste management program** of which two members shall represent the solid waste management industry and have an economic interest in or activity with any solid waste facility or operation, one member may represent the solid waste composting or recycling industry businesses, and the remaining members shall be public members who have demonstrated interest in solid waste management issues and shall have no economic interest in or activity with any solid waste facility or operation but may own stock in a publicly traded corporation which may be involved in waste management as long as such holdings are not substantial. **Beginning January 1, 2016**, the advisory board shall [advise] **prepare an annual report due on or before January first advising** the department regarding:

- (1) The efficacy of its technical assistance program;
- (2) Solid waste management problems experienced by solid waste management districts;
- (3) The effects of proposed rules and regulations upon solid waste management within the districts;
- (4) Criteria to be used in awarding grants pursuant to section 260.335;
- (5) Waste management issues pertinent to the districts;
- (6) The development of improved methods of solid waste minimization, recycling and resource recovery;

[and]

- (7) **Unfunded solid waste management projects; and**
- (8) Such other matters as the advisory board may determine.

2. The advisory board shall also prepare a report on the subjects listed in subdivisions (1) to (8) of subsection 1 of this section for any standing, statutory, interim, or select committee or task force of the general assembly having jurisdiction over solid waste. If a report is so prepared, it shall be delivered to the chair and vice-chair of each committee or task force having such jurisdiction. Such a report shall not be generated and distributed on more than an annual basis.

3. The advisory board shall hold regular meetings on a quarterly basis. A special meeting of the advisory board may occur upon a majority vote of all advisory board members at a regular quarterly meeting. Reasonable written notice of all meetings shall be given by the director of the solid waste management program to all members of the advisory board. A majority of advisory board members shall constitute a quorum for the transaction of business. All actions of the advisory board shall be taken at regular quarterly meetings open to the public."; and

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

House Committee Amendment No. 5

AMEND Senate Substitute for Senate Bill No. 476, Page 1, Section A, Line 8, by inserting after all of said section and line the following:

"67.5070. 1. As used in this section, "specialty construction design" means any contract that involves the provision of engineering and construction services either directly by a party to the contract or through subcontractors retained by a party to the contract.

2. Any political subdivision may enter into a special construction design contract for engineering, design, and construction of a wastewater or water treatment project.

3. In disbursing community development block grants under 42 U.S.C. Sections 5301 to 5321, the department of economic development shall not reject wastewater or water treatment projects solely for utilizing specialty construction design contracts.

4. The department of natural resources shall not preclude specialty construction design contracts from consideration for funding provided by the water and wastewater loan fund under section 644.122.

5. A political subdivision planning a specialty construction design project shall retain an engineer duly licensed in this state to assist in preparing any necessary bid documents and specifications and evaluations of submissions and bids."; and

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

Committee on Emerging Issues, Chairman Haahr reporting:

Mr. Speaker: Your Committee on Emerging Issues, to which was referred **SCR 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 **SS SB 58**, 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 Senate Substitute for Senate Bill No. 58, Page 1, In the Title, Line 9, by deleting all of said line and inserting in lieu thereof the following:

"new sections relating to boards and commissions."; and

Further amend said bill, Page 9, Section 320.092, Line 19, by inserting after all of said line the following:

"324.023. 1. Notwithstanding any law to the contrary, any board or commission created under chapters 214, 317, 324, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 345, and 346 may, at its discretion, issue oral or written opinions addressing topics relating to the qualifications, functions or duties of any profession licensed by the specific board or commission issuing such guidance. Any such

opinion is for educational purposes only and is in no way binding on the licensees of the respective board or commission and cannot be used as the basis for any discipline against any licensee.

2. The recipient of an opinion given pursuant to this section shall be informed that the opinion is for educational purposes only and is in no way binding on the licensees of the board or commission and cannot be used as the basis for any discipline against any licensee licensed under chapters 214, 317, 324, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 345, and 346. No board or commission may address topics relating to qualifications, functions, or duties of any profession licensed by a different board or commission."; and

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

Mr. Speaker: Your Committee on Emerging Issues, to which was referred **SB 113**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1, House Committee Amendment No. 2 and House Committee Amendment No. 3**, and pursuant to Rule 27(7) be referred to the Select Committee on General Laws.

House Committee Amendment No. 1

AMEND Senate Bill No. 113, Page 1, In the Title, Lines 4-5, by deleting the phrase "references to higher education statutes that were previously repealed" and inserting in lieu thereof the phrase "education"; and

Further amend said bill, Page 9, Line 17, by inserting a extra line space after said line; and

Further amend said bill, Section 173.254, Page 10, Line 8 by inserting immediately after the phrase "used in this section." on said line the following:

"For purposes of this section and chapter 173, the term "financial need" shall mean the difference between the financial resources available to an applicant, as determined by the coordinating board, and the applicant's anticipated expenses, including tuition, mandatory fees, and board and room while attending an approved private or public institution of postsecondary education. In determining need the coordinating board shall employ a formula similar to nationally recognized comprehensive mechanisms for determining need, such as those of the American College Testing Program or the College Scholarship Service."; and

Further amend said bill, Section 173.778, Page 16, Line 21, by inserting immediately after the phrase "**173.1104**" the following:

"and establishes financial need"; and

Further amend said bill, Section 174.770, Page 17, Line 17, by enclosing in brackets the phrase "excluding the requirement of financial need" on said line; and

Further amend said bill, Section 30.750, Page 6, Line 158, by inserting after all of said section and lines the following:

"167.045. 1. Except as provided in subsection 4 of this section, a public school that participates in an activity sponsored by the Missouri State High School Activities Association (MSHSAA) shall provide a student that attends a home school, as defined in section 167.031, who resides in the public school's attendance area with the opportunity to participate in the activity on behalf of the public school in the same manner that the public school provides the opportunity to participate to students enrolled in the public school.

2. A home school student who seeks to participate or who participates in a MSHSAA activity on behalf of a public school is subject to the relevant policies that apply to students enrolled in the public school, including policies regarding registration, age eligibility, fees, insurance, transportation, physical condition, qualifications, responsibilities, event schedules, standards of behavior, and performance.

3. As a condition of participation by a home school student in a MSHSAA activity under this section, the individual who primarily provides instruction to the student shall submit a written verification to the public school indicating whether the student is:

- (1) Receiving a passing grade in each course or subject taught; and**
- (2) Maintaining satisfactory progress towards academic advancement or promotion.**

4. A home school student is not authorized by this section to participate in a MSHSAA activity during the remainder of any school year during which the student was previously enrolled in a public school.

5. The MSHSAA may not prohibit a home school student from participating in activities in the manner authorized by 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. 113, Page 6, Section 30.750, Line 158, by inserting after all of said section and line the following:

"162.720. 1. Where a sufficient number of children are determined to be gifted and their development requires programs or services beyond the level of those ordinarily provided in regular public school programs, districts may establish special programs for such gifted children.

2. The state board of education shall determine standards for such programs. Approval of such programs shall be made by the state department of elementary and secondary education based upon project applications submitted by July fifteenth of each year.

3. No district shall make a determination as to whether a child is gifted based on the child's participation in an advanced placement course or international baccalaureate course. Districts shall only determine a child is gifted if the child meets the definition of "gifted children" as provided in section 162.675.

163.031. 1. The department of elementary and secondary education shall calculate and distribute to each school district qualified to receive state aid under section 163.021 an amount determined by multiplying the district's weighted average daily attendance by the state adequacy target, multiplying this product by the dollar value modifier for the district, and subtracting from this product the district's local effort and, in years not governed under subsection 4 of this section, subtracting payments from the classroom trust fund under section 163.043.

2. Other provisions of law to the contrary notwithstanding:

(1) For districts with an average daily attendance of more than three hundred fifty in the school year preceding the payment year:

(a) For the 2006-07 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of one-third multiplied by the remainder of the dollar value modifier minus one, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(b) For the 2007-08 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the dollar value modifier minus one, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(c) For the 2008-09 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(d) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (c) of this subdivision, multiplied by the weighted average daily attendance pursuant to section 163.036, less any increase in revenue received from the classroom trust fund under section 163.043;

(2) For districts with an average daily attendance of three hundred fifty or less in the school year preceding the payment year:

(a) For the 2006-07 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of one-third multiplied by the remainder of the dollar value modifier minus one;

(b) For the 2007-08 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the dollar value modifier minus one;

(c) For the 2008-09 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier;

(d) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (c) of this subdivision;

(3) The department of elementary and secondary education shall make an addition in the payment amount specified in subsection 1 of this section to assure compliance with the provisions contained in this subsection.

3. School districts that meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs under section 163.161; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515; the vocational education entitlement for the district, as provided for in section 167.332; and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699. The categorical add-on revenue amounts may be adjusted to accommodate available appropriations.

4. In the 2006-07 school year and each school year thereafter for five years, those districts entitled to receive state aid under the provisions of subsection 1 of this section shall receive state aid in an amount as provided in this subsection.

(1) For the 2006-07 school year, the amount shall be fifteen percent of the amount of state aid calculated for the district for the 2006-07 school year under the provisions of subsection 1 of this section, plus eighty-five percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(2) For the 2007-08 school year, the amount shall be thirty percent of the amount of state aid calculated for the district for the 2007-08 school year under the provisions of subsection 1 of this section, plus seventy percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(3) For the 2008-09 school year, the amount of state aid shall be forty-four percent of the amount of state aid calculated for the district for the 2008-09 school year under the provisions of subsection 1 of this section plus fifty-six percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(4) For the 2009-10 school year, the amount of state aid shall be fifty-eight percent of the amount of state aid calculated for the district for the 2009-10 school year under the provisions of subsection 1 of this section plus forty-two percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(5) For the 2010-11 school year, the amount of state aid shall be seventy-two percent of the amount of state aid calculated for the district for the 2010-11 school year under the provisions of subsection 1 of this section plus twenty-eight percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(6) For the 2011-12 school year, the amount of state aid shall be eighty-six percent of the amount of state aid calculated for the district for the 2011-12 school year under the provisions of subsection 1 of this section plus fourteen percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(7) (a) [a.] For the 2006-07 school year, if a school district experiences a decrease in summer school average daily attendance of more than twenty percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of twenty percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's current year payment amount.

[b.] (b) For the 2007-08 school year, if a school district experiences a decrease in summer school average daily attendance of more than thirty percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of thirty percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

[c.] (c) For the 2008-09 school year, if a school district experiences a decrease in summer school average daily attendance of more than thirty-five percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of thirty-five percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

[d.] (d) Notwithstanding the provisions of this [paragraph] **subdivision**, no such reduction shall be made in the case of a district that is receiving a payment under section 163.044 or any district whose regular school term average daily attendance for the preceding year was three hundred fifty or less.

[e.] (e) This [paragraph] **subdivision** shall not be construed to permit any reduction applied under this [paragraph] **subdivision** to result in any district receiving a current-year payment that is less than the amount calculated for such district under subsection 2 of this section.

[(b) If a school district experiences a decrease in its gifted program enrollment of more than twenty percent from its 2005-06 gifted program enrollment in any year governed by this subsection, an amount equal to the product of the percent reduction in the district's gifted program enrollment multiplied by the funds generated by the district's gifted program in the 2005-06 school year shall be subtracted from the district's current year payment amount.]

5. For any school district meeting the eligibility criteria for state aid as established in section 163.021, but which is considered an option district under section 163.042 and therefore receives no state aid, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services as provided in section 163.042.

6. (1) No less than seventy-five percent of the state revenue received under the provisions of subsections 1, 2, and 4 of this section shall be placed in the teachers' fund, and the remaining percent of such moneys shall be placed in the incidental fund. No less than seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 shall be placed in the teachers' fund. One hundred percent of revenue received under the provisions of section 163.161 shall be placed in the incidental fund. One hundred percent of revenue received under the provisions of sections 168.500 to 168.515 shall be placed in the teachers' fund.

(2) A school district shall spend for certificated compensation and tuition expenditures each year:

(a) An amount equal to at least seventy-five percent of the state revenue received under the provisions of subsections 1, 2, and 4 of this section;

(b) An amount equal to at least seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 during the preceding school year; and

(c) Beginning in fiscal year 2008, as much as was spent per the second preceding year's weighted average daily attendance for certificated compensation and tuition expenditures the previous year from revenue produced by local and county tax sources in the teachers' fund, plus the amount of the incidental fund to teachers' fund transfer

calculated to be local and county tax sources by dividing local and county tax sources in the incidental fund by total revenue in the incidental fund.

In the event a district fails to comply with this provision, the amount by which the district fails to spend funds as provided herein shall be deducted from the district's state revenue received under the provisions of subsections 1, 2, and 4 of this section for the following year, provided that the state board of education may exempt a school district from this provision if the state board of education determines that circumstances warrant such exemption.

7. **(1)** If a school district's annual audit discloses that students were inappropriately identified as eligible for free and reduced lunch, special education, or limited English proficiency and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of aid paid pursuant to the weighting for free and reduced lunch, special education, or limited English proficiency in the weighted average daily attendance on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of such aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid.

(2) Beginning in the 2016-2017 school year and in each school year after that, if a district experiences a decrease in its gifted program enrollment of twenty percent or more from the previous school year, an amount equal to the product of the difference between the number of students enrolled in the gifted program in the current school year and the number of students enrolled in the gifted program in the previous school year multiplied by six hundred eighty dollars shall be subtracted from the district's current year payment amount.

8. Notwithstanding any provision of law to the contrary, in any fiscal year during which the total formula appropriation is insufficient to fully fund the entitlement calculation of this section, the department of elementary and secondary education shall adjust the state adequacy target in order to accommodate the appropriation level for the given fiscal year. In no manner shall any payment modification be rendered for any district qualified to receive payments under subsection 2 of this section based on insufficient appropriations."; and

Further amend said bill, Section 174.770, Page 17, Line 28, by inserting after all of said section and line the following:

"Section B. Section 163.031 of Section A of this act shall become effective July 1, 2016."; and

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

House Committee Amendment No. 3

AMEND Senate Bill No. 113, Page 1, In the Title, Line 4, by deleting the words "references to higher education statutes that were previously repealed" and inserting in lieu thereof the word "education"; and

Further amend said bill, Page 6, Section 30.750, Line 158, by inserting immediately after said section and line the following:

"170.011. 1. Regular courses of instruction in the Constitution of the United States and of the state of Missouri and in American history and institutions shall be given in all public and private schools in the state of Missouri, except privately operated trade schools, and shall begin not later than the seventh grade and continue in high school to an extent determined by the state commissioner of education, and shall continue in college and university courses to an extent determined by the state commissioner of higher education. In the 1990-91 school year and each year thereafter, local school districts maintaining high schools shall comply with the provisions of this section by offering in grade nine, ten, eleven, or twelve a course of instruction in the institutions, branches and functions of the government of the state of Missouri, including local governments, and of the government of the United States, and in the electoral process. A local school district maintaining such a high school shall require that prior to the completion of the twelfth grade each pupil who receives a high school diploma or certificate of graduation on or after January 1, 1994, shall satisfactorily complete such a course of study. Such course shall be of at least one semester in length and may be two semesters in length. The department of elementary and secondary education may provide assistance in developing such a course if the district requests assistance. A school district may elect to waive the requirements of this subsection for any student who transfers from outside the state to a

Missouri high school if the student can furnish documentation deemed acceptable by the school district of the student's successful completion in any year from the ninth through the twelfth grade of a course of instruction in the institutions, branches, and functions of state government, including local governments, and of the government of the United States, and in the electoral process.

2. A student of a college or university, who, after having earned a passing grade in a course of instruction prescribed in this section, transfers to another college or university, is not required to earn a passing grade in another such course as a condition precedent to his or her graduation from the college or university.

3. American history courses at the elementary and secondary levels shall include in their proper time-line sequence specific referrals to the details and events of the racial equality movement that have caused major changes in United States and Missouri laws and attitudes.

[3.] **4. [No pupil shall receive a certificate of graduation from any public or private school other than private trade schools unless he has satisfactorily passed an examination on the provisions and principles of the Constitution of the United States and of the state of Missouri, and in American history and American institutions. A school district may elect to waive the requirements of this subsection for any student who transfers from outside the state to a Missouri high school if the student can furnish documentation deemed acceptable by the school district of the student's successful completion in any year from the ninth through the twelfth grade of a course of instruction in the institutions, branches, and functions of state government, including local governments, and of the government of the United States, and in the electoral process. A student of a college or university, who, after having completed a course of instruction prescribed in this section and successfully passed an examination on the United States Constitution, and in American history and American institutions required hereby, transfers to another college or university, is not required to complete another such course or pass another such examination as a condition precedent to his graduation from the college or university.] To receive a certificate of graduation, public or private schools other than private trade schools may require a passing score on an examination of the provisions and principles of the Constitution of the United States, the Constitution of the state of Missouri, or both the Constitution of the United States and of the state of Missouri.**

[4.] **5. In the 1990-91 school year and each year thereafter, each school district maintaining a high school may annually nominate to the state board of education a student who has demonstrated knowledge of the principles of government and citizenship through academic achievement, participation in extracurricular activities, and service to the community. Annually, the state board of education shall select fifteen students from those nominated by the local school districts and shall recognize and award them for their academic achievement, participation and service.**

[5.] **6. The provisions of this section shall not apply to students from foreign countries who are enrolled in public or private high schools in Missouri, if such students are foreign exchange students sponsored by a national organization recognized by the department of elementary and secondary education.**

170.345. 1. This section shall be known as the "Missouri Civics Education Initiative".

2. Any student entering ninth grade after July 1, 2016, who is attending any public, charter, or private school except private trade schools, or a student seeking to complete a high school equivalency certificate shall, as a condition of high school graduation or its equivalent, take and receive a passing grade on a basic civics test similar to the civics portion of the United States Naturalization test, produced by the United States Citizenship and Immigration Services (USCIS).

3. The test required under subsection 2 of this section shall consist of questions similar to the one hundred questions used by the USCIS that are administered to applicants for United States citizenship. The school district shall choose the number of questions for the test. In order to receive a passing score on the test, a student shall answer at least sixty percent of the questions correctly.

4. Any student may take the test as many times as necessary for passage but shall receive a passing score prior to receiving a high school diploma, a certificate of high school graduation, or a high school equivalency certificate.

5. Every public school, charter school, private school except private trade schools, and the department of elementary and secondary education shall certify that a student has taken and received a passing grade on the test.

6. Each school district shall adopt a policy to permit the waiver of the requirements of this section for any student with a disability if recommended by the student's IEP committee. For purposes of this subsection, "IEP" means individualized education program."; 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 **SCS SB 315**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1, House Committee Amendment No. 2, House Committee Amendment No. 3, House Committee Amendment No. 4 and House Committee Amendment No. 5**, and pursuant to Rule 27(7) be referred to the Select Committee on General Laws.

House Committee Amendment No. 1

AMEND Senate Committee Substitute for Senate Bill No. 315, Page 1, In the Title, Line 3, by deleting "urban school districts" and inserting in lieu thereof "political subdivisions"; and

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

"29.230. 1. In every county which does not elect a county auditor, the state auditor shall audit, without cost to the county, at least once during the term for which any county officer is chosen, the accounts of the various county officers supported in whole or in part by public moneys.

2. The state auditor shall audit any political subdivision of the state, including counties having a county auditor, if requested to do so by a petition **submitted by a person who resides or owns real property within the boundaries or area of service of the political subdivision and such petition is submitted to the state auditor within one year from requesting the petition from the state auditor and is signed** by the requisite percent of the qualified voters of the political subdivision. The requisite percent of qualified voters to cause such an audit to be conducted shall be determined as follows:

(1) If the number of qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition is less than one thousand, twenty-five percent of the qualified voters of the political subdivision determined on the basis of the registered voters eligible to vote at the last gubernatorial election held prior to the filing of the petition;

(2) If the number of qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition is one thousand or more but less than five thousand, fifteen percent of the qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition, provided that the number of qualified voters signing such petition is not less than two hundred;

(3) If the number of qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition is five thousand or more but less than fifty thousand, ten percent of the qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition, provided that the number of qualified voters signing such petition is not less than seven hundred fifty;

(4) If the number of qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition is fifty thousand or more, five percent of the qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition, provided that the number of qualified voters signing such petition is not less than five thousand.

3. The political subdivision shall pay the actual cost of audit. The petition that requests an audit of a political subdivision shall state on its face the estimated cost of the audit and that it will be paid by the political subdivision being audited. The estimated cost of the audit shall be provided by the state auditor within sixty days of such request. The costs of the audit may be billed and paid on an interim basis with individual billing periods to be set at the state auditor's discretion. Moneys held by the state on behalf of a political subdivision may be used to offset unpaid billings for audit costs of the political subdivision. All moneys received by the state in payment of the costs of petition audits shall be deposited in the state treasury and credited to the "Petition Audit Revolving Trust Fund" which is hereby created with the state treasurer as custodian. The general assembly may appropriate additional moneys to the fund as it deems necessary. The state auditor shall administer the fund and approve all disbursements, upon appropriation, from the fund to apply to the costs of performing petition audits. The provisions of section 33.080 to the contrary notwithstanding, money in the fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of any biennium exceeds one million dollars. The amount

in the fund which shall lapse is the amount which exceeds one million dollars. No political subdivision shall be audited by petition more than once in any three calendar or fiscal years.

4. Any person who allegedly signed or has signed the original petition may submit a sworn statement to the state auditor that the person did not sign such petition or that the person wishes to rescind such signature. Such statement shall be required to be made within ten days from submission of the petition to the state auditor. If such statement is timely filed, such signature shall be withdrawn and shall not count in the determination of the number of qualified voters necessary to compel an audit under subsection 2 of this section."; and

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

House Committee Amendment No. 2

AMEND Senate Committee Substitute for Senate Bill No. 315, Page 1, In the Title, Line 3, by deleting the phrase "urban school districts" and inserting in lieu thereof the phrase "political subdivisions"; and

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

"67.410. 1. Except as provided in subsection 3 of this section, any ordinance enacted pursuant to section 67.400 shall:

(1) Set forth those conditions detrimental to the health, safety or welfare of the residents of the city, town, village, or county the existence of which constitutes a nuisance;

(2) Provide for duties of inspectors with regard to such buildings or structures and shall provide for duties of the building commissioner or designated officer or officers to supervise all inspectors and to hold hearings regarding such buildings or structures;

(3) Provide for service of adequate notice of the declaration of nuisance, which notice shall specify that the property is to be vacated, if such be the case, reconditioned or removed, listing a reasonable time for commencement; and may provide that such notice be served either by personal service, or [by certified] mail[,] **so long as a signature from the recipient is required for delivery and a return receipt is requested**, but if service cannot be had by either of these modes of service, then service may be had by publication. The ordinances shall further provide that the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in the building or structure as shown by the land records of the recorder of deeds of the county wherein the land is located shall be made parties;

(4) Provide that upon failure to commence work of reconditioning or demolition within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the building commissioner or designated officer or officers shall call and have a full and adequate hearing upon the matter, giving the affected parties at least ten days' written notice of the hearing. Any party may be represented by counsel, and all parties shall have an opportunity to be heard. After the hearings, if the evidence supports a finding that the building or structure is a nuisance or detrimental to the health, safety, or welfare of the residents of the city, town, village, or county, the building commissioner or designated officer or officers shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the building or structure to be a nuisance and detrimental to the health, safety, or welfare of the residents of the city, town, village, or county and ordering the building or structure to be demolished and removed, or repaired. If the evidence does not support a finding that the building or structure is a nuisance or detrimental to the health, safety, or welfare of the residents of the city, town, village, or county, no order shall be issued;

(5) Provide that if the building commissioner or other designated officer or officers issue an order whereby the building or structure is demolished, secured, or repaired, or the property is cleaned up, the cost of performance shall be certified [to the city clerk or officer in charge of finance] **by such commissioner or officer**, who shall cause a special tax bill or assessment therefor against the property to be prepared and collected by the city collector or other official collecting taxes, unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the city, town, village, or county and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in sections 429.010 to 429.360. Except as provided in subsection 3 of this section, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten years. The tax bill from date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid. **Whenever**

there is an expenditure of city, town, village, or county funds to cause the building or structure to be boarded or whenever the property is secured, repaired, or cleaned without necessary permits, all unpaid board-up costs and permit fees, and associated administrative costs, may be added to the real estate taxes of the property. If such costs or fees are added to the annual real estate tax bill for the property and not paid, the real estate taxes shall be considered delinquent, and the collection thereof shall be governed by the laws applicable to delinquent real estate taxes. A city not within a county or a city with a population of at least four hundred thousand located in more than one county, notwithstanding any charter provision to the contrary, may, by ordinance, provide that upon determination by the city that a public benefit will be gained the city may discharge the special tax bill, including the costs of tax collection, accrued interest and attorneys fees, if any.

2. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion, or other casualty loss, the ordinance may establish a procedure for the payment of up to twenty-five percent of the insurance proceeds, as set forth in this subsection. The order or ordinance shall apply only to a covered claim payment which is in excess of fifty percent of the face value of the policy covering a building or other structure:

(1) The insurer shall withhold from the covered claim payment up to twenty-five percent of the covered claim payment, and shall pay such moneys to the city to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under the order or ordinance;

(2) The city or county shall release the proceeds and any interest which has accrued on such proceeds received under subdivision (1) of this subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty days after receipt of such insurance moneys, unless the city or county has instituted legal proceedings under the provisions of subdivision (5) of subsection 1 of this section. If the city or county has proceeded under the provisions of subdivision (5) of subsection 1 of this section, all moneys in excess of that necessary to comply with the provisions of subdivision (5) of subsection 1 of this section for the removal, securing, repair and cleanup of the building or structure, and the lot on which it is located, less salvage value, shall be paid to the insured;

(3) If there are no proceeds of any insurance policy as set forth in this subsection, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten years. The tax bill from date of its issuance shall be a lien on the property until paid;

(4) This subsection shall apply to fire, explosion, or other casualty loss claims arising on all buildings and structures;

(5) This subsection does not make the city or county a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

3. The governing body of any city not within a county and the governing body of any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county may enact their own ordinances pursuant to section 67.400 and are exempt from subsections 1 and 2 of this section.

4. Notwithstanding the provisions of section 82.300, any city may prescribe and enforce and collect fines and penalties for a breach of any ordinance enacted pursuant to section 67.400 or this section and to punish the violation of such ordinance by a fine or imprisonment, or by both fine and imprisonment. Such fine may not exceed one thousand dollars, unless the owner of the property is not also a resident of the property, then such fine may not exceed two thousand dollars.

5. The ordinance may also provide that a city not within a county or a city with a population of at least three hundred fifty thousand located in more than one county may seek to recover the cost of demolition prior to the occurrence of demolition, as described in this subsection. The ordinance may provide that if the building commissioner or other designated officer or officers issue an order whereby the building or structure is ordered to be demolished, secured or repaired, and the owner has been given an opportunity for a hearing to contest such order, then the building commissioner or other designated officer or officers may solicit no less than two independent bids for such demolition work. The amount of the lowest bid, including offset for salvage value, if any, plus reasonable anticipated costs of collection, including attorney's fees, shall be certified to the city clerk or officer in charge of finance, who shall cause a special tax bill to be issued against the property owner to be prepared and collected by the city collector or other official collecting taxes. The municipal clerk or other officer in charge of finance shall discharge the special tax bill upon documentation by the property owner of the completion of the ordered repair or demolition work. Upon determination by the municipal clerk or other officer in charge of finance that a public benefit is secured prior to payment of the special tax bill, the municipal clerk or other officer in charge of finance may discharge the special tax bill upon the transfer of the property. The payment of the special tax bill shall be held in an interest-bearing account. Upon full payment of the special tax bill, the building commissioner or other designated officer or officers shall, within one hundred twenty days thereafter, cause the ordered work to be

completed, and certify the actual cost thereof, including the cost of tax bill collection and attorney's fees, to the city clerk or other officer in charge of finance who shall, if the actual cost differs from the paid amount by greater than two percent of the paid amount, refund the excess payment, if any, to the payor, or if the actual amount is greater, cause a special tax bill or assessment for the difference against the property to be prepared and collected by the city collector or other official collecting taxes. If the building commissioner or other designated officer or officers shall not, within one hundred twenty days after full payment, cause the ordered work to be completed, then the full amount of the payment, plus interest, shall be repaid to the payor. Except as provided in subsection 2 of this section, at the request of the taxpayer the tax bill for the difference may be paid in installments over a period of not more than ten years. The tax bill for the difference from the date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid.

94.579. 1. The governing body of any home rule city with more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants is hereby authorized to impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144. The tax authorized in this section shall not exceed one percent, and shall be imposed solely for the purpose of providing revenues for the operation of public safety departments, including police and fire departments, and for pension programs, and health care for employees and pensioners of the public safety departments. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the city submits to the voters residing within the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. If the tax authorized in this section is not approved by the voters, then the city shall have an additional year during which to meet its required contribution payment beyond the time period described in section 105.683. If the city meets its required contribution payment in this time, then, notwithstanding the provisions of section 105.683 to the contrary, the delinquency shall not constitute a lien on the funds of the political subdivision, the board of such plan shall not be authorized to compel payment by application for writ of mandamus, and the state treasurer and the director of the department of revenue shall not withhold twenty-five percent of the certified contribution deficiency from the total moneys due the political subdivision from the state. The one-year extension shall only be available to the city on a one-time basis.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a sales tax at a rate of (up to one) percent, solely for the purpose of providing revenues for the operation of public safety departments of the city?

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 question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following notification to the department of revenue. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section by the director of the department of revenue on behalf of any city, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Public Safety Protection Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such city. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. The director shall keep accurate records of the amounts in the fund, and such records shall be open to the inspection of the officers of such city and to the public. Not later than the tenth day of each month, the director shall distribute all moneys deposited in the fund during the preceding month to the city. Such funds shall be deposited with the treasurer of the city, and all expenditures of moneys from the fund shall be by an appropriation ordinance enacted by the governing body of the city.

4. On or after the effective date of the tax, the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 and 32.087 shall apply. In

order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the city may authorize the use of a bracket system similar to that authorized in section 144.285, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the city shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

5. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057 and sections 144.010 to 144.525 are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for the tax and penalties under this section, the limitation for bringing suit for the collection of the delinquent tax and penalties shall be the same as that provided in sections 144.010 to 144.525.

6. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city) repeal the sales tax imposed at a rate of (up to one) percent for the purpose of providing revenues for the operation of public safety departments of the city?

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 question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved.

If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. The governing body of any city that has adopted the sales tax authorized in this section shall submit the question of [repeal] **continuation** of the tax to the voters every five years from the date of its inception on a date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city) [repeal the] **continue collecting a** sales tax imposed at a rate of (up to one) percent for the purpose of providing revenues for the operation of public safety departments of the city?

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 question by the qualified voters voting thereon are [in favor of repeal, that] **opposed to continuation**, repeal shall become effective on December thirty-first of the calendar year in which such [repeal was] **continuation was failed to be** approved. If a majority of the votes cast on the question by the qualified voters voting thereon are [opposed to the repeal] **in favor of continuation**, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and [the repeal is] **continuation fails to be** approved by a majority of the qualified voters voting on the question.

8. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least two percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the

sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

9. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the city shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director 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 city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city."; and

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

House Committee Amendment No. 3

AMEND Senate Committee Substitute for Senate Bill No. 315, Page 3, Section 162.481, Line 62, by inserting the following after all of said line:

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

(1) "Employee", an individual employed in this state by an employer;
(2) "Employer", any individual, sole proprietorship, partnership, limited liability company, corporation, or any other entity that is legally doing business in this state; provided, however, that employer shall not include any public employer as defined in section 285.525;

(3) "Employment benefits", anything of value that an employee may receive from an employer in addition to wages and salary. The term includes, but is not limited to, health, disability, retirement, profit-sharing, and death benefits; group accidental death and dismemberment benefits; paid or unpaid days off from work for holidays, sick leave, vacation, and personal necessity; and terms of employment, attendance, or leave policies;

(4) "Political subdivision", any county, city, town, or village.

2. No political subdivision shall establish, mandate, or otherwise require an employer to provide to an employee:

(1) A minimum or living wage rate; or

(2) Employment benefits;

that exceed the requirements of federal or state laws, rules, or regulations.

3. No political subdivision shall prohibit an employer from inquiring into or considering an applicant for employment's criminal history on an initial employment application.

4. The state auditor, when auditing political subdivisions, shall have the authority to verify that the political subdivision is complying with the provisions of this section."; and

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

House Committee Amendment No. 4

AMEND Senate Committee Substitute for Senate Bill No. 315, Page 1, Section A, Line 2, by inserting after all of said section and 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 two or more cities, towns, or villages located in a county of the first or second class 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 publicly 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.

House Committee Amendment No. 5

AMEND Senate Committee Substitute for Senate Bill No. 315, Page 1, In the Title, Line 3, by deleting the phrase "urban school districts" and inserting in lieu thereof the phrase "political subdivisions"; and

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

"49.060. 1. When a vacancy shall occur in the office of a county commissioner, the vacancy shall at once be certified by the clerk of the commission to the governor[, who shall fill such vacancy with a person who resides in the district at the time the vacancy occurs, as provided by law].

2. It shall be the duty of the governor to fill such vacancy no later than sixty days after certification by appointing, by and with the advice and consent of the senate subject to the provisions of article IV, section 51 of the Constitution of Missouri, some eligible person to said office who shall discharge the duties thereof until the next general election, at which time a commissioner shall be chosen for the remainder of the term, who shall hold such office until a successor is duly elected and qualified, unless sooner removed.

3. This section shall not apply to any county that has adopted a charter for its own government under article VI, section 18 of the Constitution of Missouri.

51.090. 1. When any vacancy shall occur in the office of clerk of the county commission 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 subject to the provisions of article IV, section 51 of the Constitution of Missouri,** some eligible person to said office, who shall discharge the duties thereof until the next general election, at which time a clerk shall be chosen for the remainder of the term, who shall hold [his] **such** office until [his] a successor is duly elected or appointed and qualified, unless sooner removed.

2. This section shall not apply to any county that has adopted a charter for its own government under article VI, section 18 of the Constitution of Missouri.

52.145. 1. If any vacancy shall occur in the office of county collector of revenue 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 subject to the provisions of article IV, section 51 of the Constitution of Missouri,** some eligible person to said office, who shall discharge the duties thereof until the next general election, at which time a collector shall be chosen for the remainder of the term, who shall hold such office until a successor is duly elected and qualified, unless sooner removed.

2. This section shall not apply to any county that has adopted a charter for its own government under article VI, section 18 of the Constitution of Missouri.

53.010. 1. At the general election in the year 1948 and every four years thereafter the qualified voters in each county in this state shall elect a county assessor. Such county assessors shall enter upon the discharge of their duties on the first day of September next after their election, and shall hold office for a term of four years, and until their successors are elected and qualified, unless sooner removed from office; provided, that this section shall not apply to the city of St. Louis. The assessor shall be a resident of the county from which such person was elected.

2. If any vacancy shall occur in the office of county assessor 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 subject to the provisions of article IV, section 51 of the Constitution of Missouri, some eligible person to said office, who shall discharge the duties thereof until the next general election, at which time an assessor shall be chosen for the remainder of the term, who shall hold such office until a successor is duly elected and qualified, unless sooner removed. This subsection shall not apply to any county that has adopted a charter for its own government under article VI, section 18 of the Constitution of Missouri.

[2.] 3. The office of county assessor is created in each county having township organization and a county assessor shall be elected for each township organization county at the next general election, or at a special election called for that purpose by the governing body of such county. If a special election is called, the state and each political subdivision or special district submitting a candidate or question at such election shall pay its proportional share of the costs of the election, as provided by section 115.065. Such assessor shall assume office immediately upon his election and qualification, and shall serve until his successor is elected and qualified under the provisions of subsection 1 of this section. Laws generally applicable to county assessors, their offices, clerks, and deputies shall apply to and govern county assessors in township organization counties, and laws applicable to county assessors, their offices, clerks, and deputies in third class counties and laws applicable to county assessors, their offices, clerks, and deputies in fourth class counties shall apply to and govern county assessors, their offices, clerks, and deputies in township organization counties of the respective classes, except that when such general laws and such laws applicable to third and fourth class counties conflict with the laws specially applicable to county assessors, their offices, clerks, and deputies in township organization counties, the laws specially applicable to county assessors, their offices, clerks, and deputies in township organization counties shall govern.

54.033. In the event of a vacancy caused by death, resignation, or otherwise, in the office of county treasurer in any county except a county having a township form of government with an office of collector-treasurer and any county with a charter form of government, the county commission shall appoint a deputy treasurer or a qualified person to serve as an interim treasurer 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 the advice and consent of the senate subject to the provisions of article IV, section 51 of the Constitution of Missouri, some eligible person to said office who shall discharge the duties thereof until the next general election, at which time a treasurer shall be chosen for the remainder of the term, who shall hold such office until a successor is duly elected and qualified, unless sooner removed.** Such individual must be eligible to serve as a county treasurer under section 54.040, and must comply with section 54.090. **This section shall not apply to any county that has adopted a charter for its own government under article VI, section 18 of the Constitution of Missouri.**

55.050. 1. At the general election in the year 1946, and every four years thereafter, a county auditor shall be elected in each county of the first class not having a charter form of government and in each county of the second class. He **or she** shall be commissioned by the governor and shall enter upon the discharge of his **or her** duties on the first Monday in January next ensuing his **or her** election. He **or she** shall hold his **or her** office for the term of four years and until his **or her** successor is duly elected and qualified, unless he **or she** is sooner removed from office.

2. If a vacancy occurs in the office by death, resignation, removal, refusal to act, or otherwise, the governor shall fill the vacancy, **no later than sixty days after it occurs**, by appointing some eligible person to the office, **by and with the advice and consent of the senate subject to the provisions of article IV, section 51 of the Constitution of Missouri**, who shall discharge the duties thereof until the next general election, at which time an auditor shall be chosen for the remainder of the term, who shall hold [his] **such** office until [his] **a** successor is duly elected and qualified, unless sooner removed. **This subsection shall not apply to any county that has adopted a charter for its own government under article VI, section 18 of the Constitution of Missouri.**

58.040. When any vacancy shall occur in the office of coroner by death, resignation, 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 of the senate subject to the provisions of article IV, section 51 of the Constitution of Missouri**. The person so appointed shall take the oath, give bond and otherwise qualify for the office as required of coroners regularly elected, and shall discharge the duties of such office for the remainder of the term for which he is appointed. **This section shall not apply to any county that has adopted a charter for its own government under article VI, section 18 of the Constitution of Missouri.**

59.022. In the event of a vacancy caused by death or resignation in the office of county recorder where the offices of the clerk of the court and recorder of deeds are separate, except in any city not within a county or any county with a charter form of government, the county commission shall appoint a deputy recorder or a qualified person to serve as an interim recorder 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 consent of the senate subject to the provisions of article IV, section 51 of the Constitution of Missouri, some eligible person to said office who shall discharge the duties thereof until the next general election, at which time a recorder shall be chosen for the remainder of the term, who shall hold such office until a successor is duly elected and qualified, unless sooner removed. This section shall not apply**

to any county that has adopted a charter for its own government under article VI, section 18 of the Constitution of Missouri.

105.030. **Except as specifically provided otherwise**, whenever any vacancy, caused in any manner or by any means whatsoever, occurs or exists in any state or county office originally filled by election of the people, other than in the offices of lieutenant governor, state senator or representative, sheriff, or recorder of deeds in the city of St. Louis, the vacancy shall be filled by appointment by the governor except that when a vacancy occurs in the office of county assessor after a general election at which a person other than the incumbent has been elected, the person so elected shall be appointed to fill the remainder of the unexpired term; and the person appointed after duly qualifying and entering upon the discharge of his duties under the appointment shall continue in office until the first Monday in January next following the first ensuing general election, at which general election a person shall be elected to fill the unexpired portion of the term, or for the ensuing regular term, as the case may be, and the person so elected shall enter upon the discharge of the duties of the office the first Monday in January next following his election, except that when the term to be filled begins on any day other than the first Monday in January, the appointee of the governor shall be entitled to hold the office until such other date. This section shall not apply to vacancies in county offices in any county which has adopted a charter for its own government under section 18, article VI of the Constitution of Missouri. Any vacancy in the office of recorder of deeds in the city of St. Louis shall be filled by appointment by the mayor of that city."; and

Further amend said bill, Page 3, Section 162.481, Line 62, by inserting the following after all of said section and line:

"473.730. 1. Every county in this state, except the City of St. Louis, shall elect a public administrator at the general election in the year 1880, and every four years thereafter, who shall be ex officio public guardian and conservator in and for the public administrator's county. A candidate for public administrator shall be at least twenty-one years of age and a resident of the state of Missouri and the county in which he or she is a candidate for at least one year prior to the date of the general election for such office. The candidate shall also be a registered voter and shall be current in the payment of all personal and business taxes. Before entering on the duties of the public administrator's office, the public administrator shall take the oath required by the constitution, and enter into bond to the state of Missouri in a sum not less than ten thousand dollars, with two or more securities, approved by the court and conditioned that the public administrator will faithfully discharge all the duties of the public administrator's office, which bond shall be given and oath of office taken on or before the first day of January following the public administrator's election, and it shall be the duty of the judge of the court to require the public administrator to make a statement annually, under oath, of the amount of property in the public administrator's hands or under the public administrator's control as such administrator, for the purpose of ascertaining the amount of bond necessary to secure such property; and such court may from time to time, as occasion shall require, demand additional security of such administrator, and, in default of giving the same within twenty days after such demand, may remove the administrator and appoint another.

2. The public administrator in all counties, in the performance of the duties required by chapters 473, 474, and 475, is a public officer. The duties specified by section 475.120 are discretionary. The county shall defend and indemnify the public administrator against any alleged breach of duty, provided that any such alleged breach of duty arose out of an act or omission occurring within the scope of duty or employment.

3. After January 1, 2001, all salaried public administrators shall be considered county officials for purposes of section 50.333, subject to the minimum salary requirements set forth in section 473.742.

4. If a vacancy shall occur in any county that has not adopted a charter form of government and in the office of an elected public administrator, then the governor shall, no later than sixty days after the occurrence of such vacancy, appoint a person to fill the vacancy subject to the advice and consent of the senate. The process will be subject to the procedures for advice and consent under article IV, section 51 of the Constitution of Missouri.

[4] 5. The public administrator for the city of St. Louis shall be appointed by a majority of the circuit judges and associate circuit judges of the twenty-second judicial circuit, en banc. Such public administrator shall meet the same qualifications and requirements specified in subsection 1 of this section for elected public administrators. The elected public administrator holding office on August 28, 2013, shall continue to hold such office for the remainder of his or her term.

483.020. When any vacancy shall occur in the office of any circuit clerk so elected, by death, resignation, removal, refusal to act or otherwise, it shall be the duty of the governor in the case of an elected clerk to fill such vacancy, **no later than sixty days after it occurs**, by appointing some eligible person to said office, **by and with**

the advice and consent of the senate subject to the provisions of article IV, section 51 of the Constitution of Missouri, who shall discharge the duties thereof until the next general election, at which time a clerk shall be chosen for the remainder of the term, who shall hold [his] **such** office until [his] a successor is duly elected and qualified, unless sooner removed. **This section shall not apply to any county that has adopted a charter for its own government under article VI, section 18 of the Constitution of Missouri.**

Section B. Because immediate action is necessary to ensure that all vacant public offices are filled in a timely manner, the enactment of sections 49.060, 51.090, 52.145, 53.010, 54.033, 55.050, 58.040, 59.022, 105.030, 473.730, and 483.020 of section A 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 enactment of sections 49.060, 51.090, 52.145, 53.010, 54.033, 55.050, 58.040, 59.022, 105.030, 473.730, and 483.020 of section A of this act shall be in full force and effect upon its passage and approval.";

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 **SS#2 SB 386**, 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 Energy and the Environment, Chairman Miller reporting:

Mr. Speaker: Your Committee on Energy and the Environment, to which was referred **SCR 24**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(14) be referred to the Select Committee on Utilities.

Mr. Speaker: Your Committee on Energy and the Environment, to which was referred **SCR 36**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(14) be referred to the Select Committee on Utilities.

Committee on Health Insurance, Chairman Hansen reporting:

Mr. Speaker: Your Committee on Health Insurance, to which was referred **SS SB 457**, 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 Higher Education, Chairman Cookson reporting:

Mr. Speaker: Your Committee on Higher Education, to which was referred **HB 653**, 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.

Mr. Speaker: Your Committee on Higher Education, to which was referred **SCS SB 93**, 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.

Mr. Speaker: Your Committee on Higher Education, to which was referred **SS SB 366**, 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 **SS SCS SB 87**, 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 Substitute for Senate Committee Substitute for Senate Bill No. 87, Page 1, In the Title, Line 3, by deleting "audits of"; and

Further amend said bill, Section 29.230, Page 3, Line 68, by inserting the following after all of said line:

"52.260. The collector in counties not having township organization shall collect on behalf of the county the following fees for collecting all state, county, bridge, road, school, back and delinquent, and all other local taxes, including merchants', manufacturers' and liquor and beer licenses, other than ditch and levee taxes, and the fees collected shall be deposited in the county general fund:

(1) In all counties wherein the total amount levied for any one year exceeds two hundred and fifty thousand dollars and is less than three hundred and fifty thousand dollars, a fee of two and one-half percent on the amount collected;

(2) In all counties wherein the total amount levied for any one year exceeds three hundred and fifty thousand dollars and is less than [two] **three** million dollars, a fee of two and one-half percent on the first three hundred and fifty thousand dollars collected and one percent on whatever amount may be collected over three hundred and fifty thousand dollars;

(3) In all counties wherein the total amount levied for any one year exceeds [two] **three** million dollars, a fee of one percent on the amounts collected.

65.620. 1. Whenever any county abolishes township organization the county treasurer and ex officio collector shall immediately settle his accounts as treasurer with the county commission and shall thereafter perform all duties, exercise all powers, have all rights and be subject to all liabilities imposed and conferred upon the county collector of revenue under chapter 52 until the first Monday in March after the general election next following the abolishment of township organization and until a collector of revenue for the county is elected and qualified. The person elected collector at the general election as aforesaid, if that election is not one for collector of revenue under chapter 52, shall serve until the first Monday in March following the election and qualification of a collector of revenue under chapter 52. Upon abolition of township organization a county treasurer shall be appointed to serve until the expiration of the term of such officer pursuant to chapter 54.

2. Upon abolition of township organization, title to all property of all kinds theretofore owned by the several townships of the county shall vest in the county and the county shall be liable for all outstanding obligations and liabilities of the several townships.

3. The terms of office of all township officers shall expire on the abolition of township organization and the township trustee of each township shall immediately settle his accounts with the county clerk and all township officers shall promptly deliver to the appropriate county officers, as directed by the county commission, all books, papers, records and property pertaining to their offices.

4. For a period of one calendar year following the abolition of the townships or until the voters of the county have approved a tax levy for road and bridge purposes, whichever occurs first, the county collector shall continue to collect a property tax on a county-wide basis in an amount equal to the tax levied by the township that had the lowest total tax rate in the county immediately prior to the abolishment of the townships. The continued collection of the tax shall be considered a continuation of an existing tax and shall not be considered a new tax levy.

72.418. 1. Notwithstanding any other provision of law to the contrary, no new city created pursuant to sections 72.400 to 72.423 shall establish a municipal fire department to provide fire protection services, including emergency medical services, if such city formerly consisted of unincorporated areas in the county or municipalities in the county, or both, which are provided fire protection services and emergency medical services by one or more fire protection districts. Such fire protection districts shall continue to provide services to the area comprising the new city and may levy and collect taxes the same as such districts had prior to the creation of such new city.

2. Fire protection districts serving the area included within any annexation by a city having a fire department, including simplified boundary changes, shall continue to provide fire protection services, including emergency medical services to such area.

3. **Notwithstanding any other provision of law to the contrary, beginning January 1, 2016, any fire protection districts serving the area included within any annexation by a city having a fire department, including simplified boundary changes, which annexation is not completed by August 28, 2015, shall continue to levy and collect taxes the same as such districts had prior to the annexation. The annexing city shall not levy or collect any property taxes on the annexed property relating to fire protection or emergency medical services.**

4. **Notwithstanding any other provision of law to the contrary, for any fire protection districts serving the area included within any annexation by a city having a fire department, including simplified boundary changes, which annexation has been completed by August 28, 2015:**

(1) Beginning January 1, 2016:

(a) The annexing city shall pay annually to the fire protection district an amount equal to **eighty percent of** that which the fire protection district would have levied on all taxable property within the annexed area. [Such annexed area shall not be subject to taxation for any purpose thereafter by the fire protection district except for bonded indebtedness by the fire protection district which existed prior to the annexation.] The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be **eighty percent of [a] the** sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. **The annexing city shall not levy or collect any property taxes on the annexed property relating to fire protection or emergency medical services.**

(b) **The annexed area shall be subject to taxation by the fire protection district for twenty percent of the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed area shall be subject to taxation by the fire protection district for bonded indebtedness by the fire protection district which existed prior to the annexation.**

(2) Beginning January 1, 2017:

(a) The annexing city shall pay annually to the fire protection district an amount equal to sixty percent of that which the fire protection district would have levied on all taxable property within the annexed area. The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be sixty percent of [a] the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. The annexing city shall not levy or collect any property taxes on the annexed property relating to fire protection or emergency medical services.

(b) **The annexed area shall be subject to taxation by the fire protection district for forty percent of the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed area shall be subject to taxation by the fire protection district for bonded indebtedness by the fire protection district which existed prior to the annexation.**

(3) Beginning January 1, 2018:

(a) The annexing city shall pay annually to the fire protection district an amount equal to forty percent of that which the fire protection district would have levied on all taxable property within the annexed area. The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be forty percent of [a] the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate

so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. The annexing city shall not levy or collect any property taxes on the annexed property relating to fire protection or emergency medical services.

(b) The annexed area shall be subject to taxation by the fire protection district for sixty percent of the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed area shall be subject to taxation by the fire protection district for bonded indebtedness by the fire protection district which existed prior to the annexation.

(4) Beginning January 1, 2019:

(a) The annexing city shall pay annually to the fire protection district an amount equal to twenty percent of that which the fire protection district would have levied on all taxable property within the annexed area. The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be twenty percent of [a] the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. The annexing city shall not levy or collect any property taxes on the annexed property relating to fire protection or emergency medical services.

(b) The annexed area shall be subject to taxation by the fire protection district for eighty percent of the sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed area shall be subject to taxation by the fire protection district for bonded indebtedness by the fire protection district which existed prior to the annexation.

(5) Beginning January 1, 2020, and thereafter, the annexed area shall be subject to taxation by the fire protection district for all taxes levied, including bonded indebtedness prior to and after annexation. The annexing city shall not levy or collect any property taxes on the annexed property relating to fire protection or emergency medical services.

5. Notwithstanding any other provision of law to the contrary, the residents of an area annexed on or after May 26, 1994, may vote in all fire protection district elections and may be elected to the fire protection district board of directors.

[3.] 6. The fire protection district may approve or reject any proposal for the provision of fire protection and emergency medical services by a city.

7. Notwithstanding any other provision of law to the contrary, if, after the effective date of this section, litigation is filed concerning the validity or constitutionality of subsections 3 and 4 of this section, the annexing city shall continue to pay to the fire protection district the amount required to be paid by the annexing city under subsection 3 or subsection 4 of this section.

94.902. 1. The governing [body] bodies of the following cities may impose a tax as provided in this section:

(1) Any city of the third classification with more than twenty-six thousand three hundred but less than twenty-six thousand seven hundred inhabitants[, or] ;

(2) Any city of the fourth classification with more than thirty thousand three hundred but fewer than thirty thousand seven hundred inhabitants[, or] ;

(3) Any city of the fourth classification with more than twenty-four thousand eight hundred but fewer than twenty-five thousand inhabitants[.];

(4) Any special charter city with more than twenty-nine thousand but fewer than thirty-two thousand inhabitants; or

(5) Any city of the third classification with more than four thousand but fewer than four thousand five hundred inhabitants and located in any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants.

2. The governing body of any city listed in subsection 1 of this section may impose, by order or ordinance, a sales tax on all retail sales made in the city which are subject to taxation under chapter 144. The tax authorized in this section may be imposed in an amount of up to one-half of one percent, and shall be imposed solely for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance imposing a sales tax under this section shall not become effective unless the governing body of the city submits to the voters residing within the city, at a county or state general, primary, or special election, a proposal to authorize the governing body of the city to impose a tax under this section.

[2.] **3.** The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall the city of (city's name) impose a citywide sales tax at a rate of (insert rate of percent) percent for the purpose of improving the public safety of the city?

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, then the ordinance or order and any amendments to the order or ordinance shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the sales tax. If a majority of the votes cast on the proposal by the qualified voters voting thereon are opposed to the proposal, then the tax shall not become effective unless the proposal is resubmitted under this section to the qualified voters and such proposal is approved by a majority of the qualified voters voting on the proposal. However, in no event shall a proposal under this section be submitted to the voters sooner than twelve months from the date of the last proposal under this section.

[3.] **4.** Any sales tax imposed under this section shall be administered, collected, enforced, and operated as required in section 32.087. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, 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 in the state treasury, to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director shall keep accurate records of the amount of money in the trust fund and which was collected in each city imposing a sales tax under this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax. Such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

[4.] **5.** The director of the department of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the action at least ninety days before the effective date of the repeal, and the director 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 city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

[5.] **6.** The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city) repeal the sales tax imposed at a rate of (insert rate of percent) percent for the purpose of improving the public safety of the city?

YES NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters, and the repeal is approved by a majority of the qualified voters voting on the question.

[6.] 7. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

[7.] 8. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

108.280. 1. Nothing contained in sections 108.240 to 108.300 shall prevent any county commission, city council, board of aldermen, board of trustees of any incorporated village, board of directors of any school district, board of supervisors of any drainage or levee district, or board of commissioners of any special road district, or other authority from levying a larger tax for the payment of maturing bonds[, or from applying other means to such purpose] . **Except as provided in subsection 2 of this section, the levy rate shall be set at the rate needed to meet the obligation of the bond payment and may be adjusted solely to meet such obligation.** It shall be the duty of the treasurer of such county, city, village, township, school district, drainage district or levee district, special or common road district, to certify, at least once in every fiscal year, to the state auditor the several amounts and numbers of bonds and coupons by him or through him redeemed, of his respective county, city, village, township, school district, drainage district, levee district, common or special road district, as the case may be, and he shall return such bonds and coupons, properly cancelled, to prevent their reissue, to the maker thereof, and the state shall not be deemed in any manner liable on account of any such bonds or coupons.

2. Notwithstanding the provisions of subsection 1 of this section, the levy rate set by any drainage or levee district for the payment of bonds shall be set at a rate determined by the board of supervisors in accordance with the provisions of chapters 242, 245, and 246.

221.407. 1. The commission of any regional jail district may impose, by order, a sales tax in the amount of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, or one-half of one percent on all retail sales made in such region which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525 for the purpose of providing jail services and court facilities and equipment for such region. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no order imposing a sales tax pursuant to this section shall be effective unless the commission submits to the voters of the district, on any election date authorized in chapter 115, a proposal to authorize the commission to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the regional jail district of (counties' names) impose a region-wide sales tax of (insert amount) for the purpose of providing jail services and court facilities and equipment for the region?

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 of the district voting thereon are in favor of the proposal, then the order and any amendment to such order shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If the proposal receives less than the required majority, the commission shall have no power to impose the sales tax authorized pursuant to this section unless and until the commission shall again have submitted another proposal to authorize the commission to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the district voting on such proposal; however, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last submission of a proposal pursuant to this section.

3. All revenue received by a district from the tax authorized pursuant to this section shall be deposited in a special trust fund and shall be used solely for providing jail services and court facilities and equipment for such district for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or terminated by any means, all funds remaining in the special trust fund shall be used solely for providing jail services and court facilities and equipment for the district. Any funds in such special trust fund which are not needed for current expenditures may be invested by the commission in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any district, 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 "Regional Jail District Sales Tax Trust Fund". The moneys in the regional jail district 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 district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of each member 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 district which levied the tax. Such funds shall be deposited with the treasurer of each such district, and all expenditures of funds arising from the regional jail district sales tax trust fund shall be paid pursuant to an appropriation adopted by the commission and shall be approved by the commission. Expenditures may be made from the fund for any function authorized in the order adopted by the commission submitting the regional jail district tax to the voters.

6. The director of revenue may [authorize the state treasurer to] make refunds from the amounts in the trust fund and credited to any district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such districts. If any district abolishes the tax, the commission 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 district, the director of revenue shall remit the balance in the account to the district and close the account of that district. The director of revenue shall notify each district in each instance of any amount refunded or any check redeemed from receipts due the district.

7. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

8. The provisions of this section shall expire September 30, [2015] **2027**.

321.322. 1. If any property located within the boundaries of a fire protection district shall be included within a city having a population of at least two thousand five hundred but not more than sixty-five thousand which is not wholly within the fire protection district and which maintains a city fire department, then upon the date of actual inclusion of the property within the city, as determined by the annexation process, the city shall within sixty days assume by contract with the fire protection district all responsibility for payment in a lump sum or in installments an amount mutually agreed upon by the fire protection district and the city for the city to cover all obligations of the fire protection district to the area included within the city, and thereupon the fire protection district shall convey to the city the title, free and clear of all liens or encumbrances of any kind or nature, any such tangible real and personal property of the fire protection district as may be agreed upon, which is located within the part of the fire protection district located within the corporate limits of the city with full power in the city to use and dispose of such tangible real and personal property as the city deems best in the public interest, and the fire protection district shall no longer levy and collect any tax upon the property included within the corporate limits of the city; except that, if the city and the fire protection district cannot mutually agree to such an arrangement, then the city shall assume responsibility for fire protection in the annexed area on or before January first of the third calendar year following the actual inclusion of the property within the city, as determined by the annexation process, and furthermore the fire protection district shall not levy and collect any tax upon that property included within the corporate limits of the city after the date of inclusion of that property:

(1) On or before January first of the second calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(2) On or before January first of the third calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to four-fifths of the amount of

revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(3) On or before January first of the fourth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to three-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(4) On or before January first of the fifth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to two-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district; and

(5) On or before January first of the sixth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to one-fifth of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district.

Nothing contained in this section shall prohibit the ability of a city to negotiate contracts with a fire protection district for mutually agreeable services. This section shall also apply to those fire protection districts and cities which have not reached agreement on overlapping boundaries previous to August 28, 1990. Such fire protection districts and cities shall be treated as though inclusion of the annexed area took place on December thirty-first immediately following August 28, 1990.

2. Any property excluded from a fire protection district by reason of subsection 1 of this section shall be subject to the provisions of section 321.330.

3. The provisions of this section shall not apply in any county of the first class having a charter form of government and having a population of over nine hundred thousand inhabitants.

4. The provisions of this section shall not apply where the annexing city or town operates a city fire department, is any city of the third classification with more than six thousand but fewer than seven thousand inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, and is entirely surrounded by a single fire protection district. In such cases, the provision of fire and emergency medical services following annexation shall be governed by subsections 2, 4 and 6 [and 3] of section 72.418.

Section 1. 1. As used in this section, the following terms shall mean:

(1) “Employee”, an individual employed in this state by an employer;

(2) “Employer”, any individual, sole proprietorship, partnership, limited liability company, corporation, or any other entity that is legally doing business in this state; provided, however, that employer shall not include any public employer as defined in section 285.525;

(3) “Employment benefits”, anything of value that an employee may receive from an employer in addition to wages and salary. The term includes, but is not limited to, health, disability, retirement, profit-sharing, and death benefits; group accidental death and dismemberment benefits; paid or unpaid days off from work for holidays, sick leave, vacation, and personal necessity; and terms of employment, attendance, or leave policies;

(4) “Political subdivision”, any county, city, town, or village.

2. No political subdivision shall establish, mandate, or otherwise require an employer to provide to an employee:

(1) A minimum or living wage rate; or

(2) Employment benefits;

that exceed the requirements of federal or state laws, rules, or regulations.

3. No political subdivision shall prohibit an employer from inquiring into or considering an applicant for employment’s criminal history on an initial employment application.

4. The state auditor, when auditing political subdivisions, shall have the authority to verify that the political subdivision is complying with the provisions of this section.

Section 2. Notwithstanding any other provision of law to the contrary, the total licenses taxes, including those taxes authorized under sections 94.360 and 94.270, imposed upon hotels and motels by any city may not exceed one-eighth of one percent of the gross revenue of the hotel or motel or the tax rate imposed upon hotels and motels as of May 1, 2015, whichever is greater. This section shall not apply to any tax imposed in compliance with subsection 7 of section 94.270 or imposed under section 92.045.

Section 3. Notwithstanding any other provision of law to the contrary, any individual who holds an occupational license issued by the Missouri gaming commission as a unarmed security guard serving on an excursion gambling boat, or a facility adjacent to such boat, shall be exempt from any other political subdivision's licensing requirements for unarmed security guards. This section is intended to preempt the use of multiple standards for regulating unarmed security guards in areas subject to regulation by the Missouri gaming commission and the commission shall have sole authority to license and regulate unarmed security guards on excursion gambling boats and adjacent facilities."; and

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

Mr. Speaker: Your Committee on Local Government, to which was referred **SB 405**, 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 Bill No. 405, Page 1, In the Title, Line 3, by deleting "fees collected by the county collector" and inserting in lieu thereof "the collection of public funds"; and

Further amend said bill and page, Section 52.260, Line 16, by inserting the following after all of said line:

"65.620. 1. Whenever any county abolishes township organization the county treasurer and ex officio collector shall immediately settle his accounts as treasurer with the county commission and shall thereafter perform all duties, exercise all powers, have all rights and be subject to all liabilities imposed and conferred upon the county collector of revenue under chapter 52 until the first Monday in March after the general election next following the abolishment of township organization and until a collector of revenue for the county is elected and qualified. The person elected collector at the general election as aforesaid, if that election is not one for collector of revenue under chapter 52, shall serve until the first Monday in March following the election and qualification of a collector of revenue under chapter 52. Upon abolition of township organization a county treasurer shall be appointed to serve until the expiration of the term of such officer pursuant to chapter 54.

2. Upon abolition of township organization, title to all property of all kinds theretofore owned by the several townships of the county shall vest in the county and the county shall be liable for all outstanding obligations and liabilities of the several townships.

3. The terms of office of all township officers shall expire on the abolition of township organization and the township trustee of each township shall immediately settle his accounts with the county clerk and all township officers shall promptly deliver to the appropriate county officers, as directed by the county commission, all books, papers, records and property pertaining to their offices.

4. For a period of one calendar year following the abolition of the townships or until the voters of the county have approved a tax levy for road and bridge purposes, whichever occurs first, the county collector shall continue to collect a property tax on a county-wide basis in an amount equal to the tax levied by the township that had the lowest total tax rate in the county immediately prior to the abolishment of the townships. The continued collection of the tax shall be considered a continuation of an existing tax and shall not be considered a new tax levy.

221.407. 1. The commission of any regional jail district may impose, by order, a sales tax in the amount of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, or one-half of one percent on all retail sales made in such region which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525 for the purpose of providing jail services and court facilities and equipment for such region. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no order imposing a sales tax pursuant to this section shall be effective unless the commission submits to the voters of the district, on any election date authorized in chapter 115, a proposal to authorize the commission to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the regional jail district of (counties' names) impose a region-wide sales tax of (insert amount) for the purpose of providing jail services and court facilities and equipment for the region?

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 of the district voting thereon are in favor of the proposal, then the order and any amendment to such order shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If the proposal receives less than the required majority, the commission shall have no power to impose the sales tax authorized pursuant to this section unless and until the commission shall again have submitted another proposal to authorize the commission to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the district voting on such proposal; however, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last submission of a proposal pursuant to this section.

3. All revenue received by a district from the tax authorized pursuant to this section shall be deposited in a special trust fund and shall be used solely for providing jail services and court facilities and equipment for such district for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or terminated by any means, all funds remaining in the special trust fund shall be used solely for providing jail services and court facilities and equipment for the district. Any funds in such special trust fund which are not needed for current expenditures may be invested by the commission in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any district, 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 "Regional Jail District Sales Tax Trust Fund". The moneys in the regional jail district 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 district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of each member 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 district which levied the tax. Such funds shall be deposited with the treasurer of each such district, and all expenditures of funds arising from the regional jail district sales tax trust fund shall be paid pursuant to an appropriation adopted by the commission and shall be approved by the commission. Expenditures may be made from the fund for any function authorized in the order adopted by the commission submitting the regional jail district tax to the voters.

6. The director of revenue may [authorize the state treasurer to] make refunds from the amounts in the trust fund and credited to any district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such districts. If any district abolishes the tax, the commission 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 district, the director of revenue shall remit the balance in the account to the district and close the account of that district. The director of revenue shall notify each district in each instance of any amount refunded or any check redeemed from receipts due the district.

7. Except as provided in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

8. The provisions of this section shall expire September 30, [2015] **2027**."; and

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

Committee on Professional Registration and Licensing, Chairman Burlison reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SS SB 416**, 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(7) be referred to the Select Committee on General Laws.

House Committee Amendment No. 1

AMEND Senate Substitute for Senate Bill No. 416, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the following:

"sections relating to professional registration."; and

Further amend said bill, Page 4, Section 214.208, Line 38, by inserting immediately after said line the following:

"324.001. 1. (1) The purpose of sections 324.001 to 324.1109 is to promote the general welfare by establishing guidelines for the regulation of occupations and professions not regulated prior to January 1, 2016.

(2) All individuals may engage in the occupation of their choice, free from unreasonable government regulation. The state may not impose a substantial burden on an individual's pursuit of his or her occupation or profession unless there is an important governmental interest for the state to protect the general welfare. If such an interest exists, the regulation adopted by the state shall be the least restrictive type of regulation consistent to the public interest to be protected.

(3) All bills introduced in the legislature to regulate an occupation or profession for the first time shall be reviewed according to the following criteria. An occupation or profession shall be regulated by the state only if:

(a) Unregulated practice has caused significant harm and endangered the general welfare and the potential for further harm and endangerment is easily recognizable and not remote or dependent upon tenuous argument;

(b) The public needs and can reasonably be expected to benefit from an assurance of initial personal qualifications; and

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

(4) After evaluating the criteria in subdivision (3) of this subsection and considering governmental, economic, and societal costs and benefits, if the legislature finds that the state has an important interest in regulating an occupation or profession not previously regulated by law, the least restrictive type of regulation shall be implemented, consistent with the need to protect the general welfare and this section. If:

(a) Market competition, common law, statutory civil actions, and criminal prohibitions are insufficient to eradicate actual harm, the regulation shall provide for stricter civil actions and criminal prosecutions;

(b) A service is being performed for individuals involves a hazard to the general welfare, the regulation shall impose inspection requirements and enable an appropriate state agency to enforce violations by injunctive relief in court including, but not limited to, regulation of the business activity providing the service rather than practitioners;

(c) The threat to the general welfare resulting from the practitioner's services is relatively small, easily identifiable or predictable, the regulation shall implement a system of insurance, bonding, or registration;

(d) The consumer possesses significantly less information so that the practitioner puts the consumer in a disadvantageous position relative to the practitioner to judge the quality of the practitioner's services, the regulation shall implement a voluntary system of certification; or

(e) There is no other type of regulation that will protect the general welfare other than licensing, the regulation shall implement a system of licensing.

2. For the purposes of this section, the following terms mean:

(1) "Applicant group", any occupational or professional group or organization, any individual, or any other interested party that proposes that any occupation or profession not presently regulated be regulated;

(2) "Certification", a voluntary program in which the government grants nontransferable recognition to an individual who meets personal qualifications established by a legislative body. Upon approval, the individual may use "certified" as a designated title. Someone who has not been recognized as

certified may perform the occupation for compensation lawfully, but shall not use the title “certified”. This term shall not be synonymous with an occupational license or prohibit the use of private certification;

(3) "Department", the department of insurance, financial institutions and professional registration;

[~~(2)~~] (4) "Director", the director of the division of professional registration; and

[~~(3)~~] (5) "Division", the division of professional registration;

(6) "General welfare", the concern of the government for the health, peace, morality, and safety of its citizens;

(7) "Grandfather clause", a provision in a regulatory statute applicable to practitioners actively engaged in the regulated occupation or profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the personal qualifications set forth in the regulatory statute to perform prescribed occupational tasks;

(8) "Inspection" the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' activities are being carried out in a fashion consistent with the requisite level of cleanliness necessary to protect the general welfare;

(9) "Lawful occupation", a course of conduct, pursuit, or profession that includes the sale of goods or services that are not themselves illegal to sell irrespective of whether the individual selling them is subject to an occupational regulation;

(10) "Least restrictive type of occupational regulations", in order from least to most restrictive:

(a) Market competition;

(b) A provision for private civil action to remedy consumer harm;

(c) Criminal sanction;

(d) Regulation of the business activity providing the service rather than the practitioner;

(e) Inspection;

(f) Bonding or insurance;

(g) Registration;

(h) Certification;

(i) Occupational license;

(11) "Legislative committees of reference", the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate occupations, or professions not previously regulated;

(12) "Occupational license", a nontransferable authorization in law for an individual to perform a lawful occupation for compensation based on meeting personal qualifications established by a legislative body. It shall be prohibited for an individual who does not possess an occupational license to perform the occupation for compensation;

(13) "Occupational regulation", a statute, ordinance, rule, practice, policy, or other law requiring an individual to possess certain personal qualifications to work in a lawful occupation;

(14) "Personal qualifications", criteria related to an individual's personal background including completion of an approved educational program, satisfactory performance on an examination, work experience, criminal history, moral standing, and completion of continuing education;

(15) "Practitioner", an individual who has achieved knowledge and skill by practice and is actively engaged in a specified occupation or profession;

(16) "Public member" an individual who is not currently, and has never been in the past, a member or spouse of a member of the occupation or profession being regulated or an individual who does not currently have and has never in the past had a material financial interest in either the rendering of the occupation or professional service being regulated or an activity directly related to the occupation or profession being regulated;

(17) "Registration", a requirement established by the legislature in which a person:

(a) Submits notification to a state agency; and

(b) May use "registered" as a designated title.

Notification may include the person's name and address, the person's agent for service of process, the location of the activity to be performed, and a description of the service the person provides. Registration may include a requirement to post a bond but does not include education or experience requirements. Nonregistered persons may not perform the occupation for compensation or use “registered” as a designated title. The term registration shall not be synonymous with an occupational license and does not refer to or prohibit the use of private registration;

(18) "Regulatory entity", any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state;

(19) "State agency", every state office, department, board, commission, regulatory entity, and agency of the state, and, if provided by law, programs and activities involving less than the full responsibility of a state agency;

(20) "Substantial burden", a requirement in an occupational regulation that imposes significant difficulty or cost on an individual seeking to enter into or continue in a lawful occupation and is more than an incidental burden.

[2.] 3. After January 1, 2016, applicant groups shall explain each of the following factors to the extent requested by the legislative committees of reference:

(1) A definition of the problem and why regulation is necessary including, but not limited to:

(a) The description and quantification of the actual harm to the general public due to the fact that the occupation or profession is not regulated;

(b) The extent to which the actual harm could be avoided;

(c) A description of how consumers will benefit in the future from the proposed type of regulation; and

(d) The extent of autonomy a practitioner has, as indicated by:

a. The extent to which the occupation or profession calls for independent judgment and the extent of skill or experience required in making the independent judgment; and

b. The extent to which practitioners are supervised;

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

(a) Voluntary efforts, if any, by members of the occupation or profession to:

a. Establish a code of ethics; or

b. Help resolve disputes between practitioners and consumers; and

(b) Recourse to and the extent of use of applicable law and whether it could be strengthened to control the problem;

(3) The alternatives considered including, but not limited to:

(a) Increased civil or criminal sanctions;

(b) Regulation of businesses rather than practitioners;

(c) Regulation of the service or training program rather than the individual practitioners;

(d) Inspections;

(e) Bonding or insurance;

(f) Registration of all practitioners;

(g) Certification of all practitioners;

(h) Other alternatives;

(i) Why the use of the alternatives specified in this subsection would not be adequate to protect the general welfare; and

(j) Why licensing would serve to protect the general welfare;

(4) The benefit to the public if regulation is granted;

(5) The extent to which the incidences of specific problems present in the unregulated occupation or profession can reasonably be expected to be reduced by proposed regulation;

(6) Whether the public can identify qualified practitioners;

(7) The extent to which the public can be confident that qualified practitioners are competent:

(a) Whether the proposed regulatory entity would be a board composed of members of the profession and public members, a state agency, or both, and, if appropriate, their respective responsibilities in administering the system of inspections, bonding, insurance, registration, certification, or licensure, including the composition of the board and the number of public members, if any; the powers and duties of the board or state agency regarding examinations and for cause revocation, suspension, and nonrenewal of registrations, certificates, or licenses; the promulgation of rules and canons of ethics; the conduct of inspections; the receipt of complaints and disciplinary action taken against practitioners; and how fees would be levied and collected to cover the expenses of administering and operating the regulatory system;

(b) If there is a grandfather clause, how consumers will be protected from the harm caused by current practitioners that is the basis for advocating for the enactment of the proposed regulation;

(c) If there is a grandfather clause, if current practitioners will be required to meet the prerequisite qualifications established by the regulatory entity at a later date and if not, why not;

(d) Whether the regulatory entity would be authorized to enter into reciprocity agreements with other jurisdictions;

(e) The nature and duration of any training including, but not limited to, whether the training includes a substantial amount of supervised field experience; whether training programs exist in this state; if there will be an experience requirement; whether the experience shall be acquired under a registered, certified, or licensed practitioner; whether there are alternative routes of entry or methods of meeting the prerequisite qualifications; whether all applicants will be required to pass an examination; and, if an examination is required, by whom it will be developed and how the costs of development will be met; and

(f) What additional training programs are anticipated to be necessary to assure training is accessible statewide; the anticipated time required to establish the additional training programs; the types of institutions capable of providing the training; a description of how training programs will meet the needs of the expected workforce, including reentry workers, minorities, placebound students, and others;

(8) Assurance of the public that practitioners have maintained their competence:

(a) Whether the registration, certification, or licensure will carry an expiration date; and

(b) Whether renewal will be based only upon payment of a fee, or whether renewal will involve reexamination, peer review, or other enforcement;

(9) The extent to which regulation might harm the public;

(10) The extent to which regulation will restrict entry into the occupation or profession:

(a) Whether the proposed personal qualifications are more restrictive than necessary to insure safe and effective performance;

(b) How the proposed personal qualifications compare to other regulations in the state which may involve greater risks to the general welfare; and

(c) The number of other states that regulate the same occupation or profession and how the proposed personal qualifications compare to required personal qualifications in other states that regulate the same occupation or profession;

(11) Whether there are similar professions to that of the applicant group which shall be included in or portions of the applicant group which shall be excluded from the proposed legislation;

(12) The maintenance of personal qualifications;

(13) Whether effective quality assurance standards exist in the occupation or profession, such as legal requirements associated with specific programs that define or enforce professional standards, or a code of ethics;

(14) How the proposed legislation will assure:

(a) The extent to which a code of ethics, if any, will be adopted; and

(b) Grounds for suspension or revocation of registration, certification, or licensure;

(15) A description of the group proposed for regulation, including a list of associations, organizations, and other groups representing the practitioners in this state, an estimate of the number of practitioners in each group, and whether the groups represent different levels of practice; and

(16) The expected costs of regulation including, but not limited to:

(a) The impact registration, certification, or licensure will have on the costs of the services to the public;

(b) The cost to the state and to the general public of implementing the proposed legislation; and

(c) The cost to the state and the members of the group proposed for regulation for the required education, including projected tuition and expenses and expected increases in training programs, staffing, and enrollments at state training institutions.

4. Applicant groups shall submit a written report explaining the factors enumerated in subsection 3 of this section to the legislative committees of reference.

5. A legislative proposal which contains a continuing education requirement shall be accompanied by a detailed explanation of how such requirement could be effective for the profession addressed in the legislation.

6. Nothing in this section shall be construed to create a right of action against a private party or to require a private party to do business with an individual who is not licensed, certified or registered with the government or to create a right of action against the state, county, municipal, or other level of government in the state.

7. There is hereby established a "Division of Professional Registration" assigned to the department of insurance, financial institutions and professional registration as a type III transfer, headed by a director appointed by the governor with the advice and consent of the senate. All of the general provisions, definitions and powers

enumerated in section 1 of the Omnibus State Reorganization Act of 1974 and Executive Order 06-04 shall apply to this department and its divisions, agencies, and personnel.

[3.] **8.** The director of the division of professional registration shall promulgate rules and regulations which designate for each board or commission assigned to the division the renewal date for licenses or certificates. After the initial establishment of renewal dates, no director of the division shall promulgate a rule or regulation which would change the renewal date for licenses or certificates if such change in renewal date would occur prior to the date on which the renewal date in effect at the time such new renewal date is specified next occurs. Each board or commission shall by rule or regulation establish licensing periods of one, two, or three years. Registration fees set by a board or commission shall be effective for the entire licensing period involved, and shall not be increased during any current licensing period. Persons who are required to pay their first registration fees shall be allowed to pay the pro rata share of such fees for the remainder of the period remaining at the time the fees are paid. Each board or commission shall provide the necessary forms for initial registration, and thereafter the director may prescribe standard forms for renewal of licenses and certificates. Each board or commission shall by rule and regulation require each applicant to provide the information which is required to keep the board's records current. Each board or commission shall have the authority to collect and analyze information required to support workforce planning and policy development. Such information shall not be publicly disclosed so as to identify a specific health care provider, as defined in section 376.1350. Each board or commission shall issue the original license or certificate.

[4.] **9.** The division shall provide clerical and other staff services relating to the issuance and renewal of licenses for all the professional licensing and regulating boards and commissions assigned to the division. The division shall perform the financial management and clerical functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and renewal of licenses and certificates" means the ministerial function of preparing and delivering licenses or certificates, and obtaining material and information for the board or commission in connection with the renewal thereof. It does not include any discretionary authority with regard to the original review of an applicant's qualifications for licensure or certification, or the subsequent review of licensee's or certificate holder's qualifications, or any disciplinary action contemplated against the licensee or certificate holder. The division may develop and implement microfilming systems and automated or manual management information systems.

[5.] **10.** The director of the division shall maintain a system of accounting and budgeting, in cooperation with the director of the department, the office of administration, and the state auditor's office, to ensure proper charges are made to the various boards for services rendered to them. The general assembly shall appropriate to the division and other state agencies from each board's funds moneys sufficient to reimburse the division and other state agencies for all services rendered and all facilities and supplies furnished to that board.

[6.] **11.** For accounting purposes, the appropriation to the division and to the office of administration for the payment of rent for quarters provided for the division shall be made from the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for the purpose defined in subsection [5] **10** of this section. The fund shall consist of moneys deposited into it from each board's fund. Each board shall contribute a prorated amount necessary to fund the division for services rendered and rent based upon the system of accounting and budgeting established by the director of the division as provided in subsection [5] **10** of this section. Transfers of funds to the professional registration fees fund shall be made by each board on July first of each year; provided, however, that the director of the division may establish an alternative date or dates of transfers at the request of any board. Such transfers shall be made until they equal the prorated amount for services rendered and rent by the division. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue.

[7.] **12.** The director of the division shall be responsible for collecting and accounting for all moneys received by the division or its component agencies. Any money received by a board or commission shall be promptly given, identified by type and source, to the director. The director shall keep a record by board and state accounting system classification of the amount of revenue the director receives. The director shall promptly transmit all receipts to the department of revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall provide each board with all relevant financial information in a timely fashion. Each board shall cooperate with the director by providing necessary information.

[8.] **13.** All educational transcripts, test scores, complaints, investigatory reports, and information pertaining to any person who is an applicant or licensee of any agency assigned to the division of professional registration by statute or by the department are confidential and may not be disclosed to the public or any member of the public, except with the written consent of the person whose records are involved. The agency which possesses the records or information shall disclose the records or information if the person whose records or information is

involved has consented to the disclosure. Each agency is entitled to the attorney-client privilege and work-product privilege to the same extent as any other person. Provided, however, that any board may disclose confidential information without the consent of the person involved in the course of voluntary interstate exchange of information, or in the course of any litigation concerning that person, or pursuant to a lawful request, or to other administrative or law enforcement agencies acting within the scope of their statutory authority. Information regarding identity, including names and addresses, registration, and currency of the license of the persons possessing licenses to engage in a professional occupation and the names and addresses of applicants for such licenses is not confidential information.

[9.] **14.** Any deliberations conducted and votes taken in rendering a final decision after a hearing before an agency assigned to the division shall be closed to the parties and the public. Once a final decision is rendered, that decision shall be made available to the parties and the public.

[10.] **15.** A compelling governmental interest shall be deemed to exist for the purposes of section 536.025 for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the division of professional registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue.

[11.] **16.** (1) The following boards and commissions are assigned by specific type transfers to the division of professional registration: Missouri state board of accountancy, chapter 326; board of cosmetology and barber examiners, chapters 328 and 329; Missouri board for architects, professional engineers, professional land surveyors and landscape architects, chapter 327; Missouri state board of chiropractic examiners, chapter 331; state board of registration for the healing arts, chapter 334; Missouri dental board, chapter 332; state board of embalmers and funeral directors, chapter 333; state board of optometry, chapter 336; Missouri state board of nursing, chapter 335; board of pharmacy, chapter 338; state board of podiatric medicine, chapter 330; Missouri real estate appraisers commission, chapter 339; and Missouri veterinary medical board, chapter 340. The governor shall appoint members of these boards by and with the advice and consent of the senate.

(2) The boards and commissions assigned to the division shall exercise all their respective statutory duties and powers, except those clerical and other staff services involving collecting and accounting for moneys and financial management relating to the issuance and renewal of licenses, which services shall be provided by the division, within the appropriation therefor. Nothing herein shall prohibit employment of professional examining or testing services from professional associations or others as required by the boards or commissions on contract. Nothing herein shall be construed to affect the power of a board or commission to expend its funds as appropriated. However, the division shall review the expense vouchers of each board. The results of such review shall be submitted to the board reviewed and to the house and senate appropriations committees annually.

(3) Notwithstanding any other provisions of law, the director of the division shall exercise only those management functions of the boards and commissions specifically provided in the Reorganization Act of 1974, and those relating to the allocation and assignment of space, personnel other than board personnel, and equipment.

(4) "Board personnel", as used in this section or chapters 317, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, and 345, shall mean personnel whose functions and responsibilities are in areas not related to the clerical duties involving the issuance and renewal of licenses, to the collecting and accounting for moneys, or to financial management relating to issuance and renewal of licenses; specifically included are executive secretaries (or comparable positions), consultants, inspectors, investigators, counsel, and secretarial support staff for these positions; and such other positions as are established and authorized by statute for a particular board or commission. Boards and commissions may employ legal counsel, if authorized by law, and temporary personnel if the board is unable to meet its responsibilities with the employees authorized above. Any board or commission which hires temporary employees shall annually provide the division director and the appropriation committees of the general assembly with a complete list of all persons employed in the previous year, the length of their employment, the amount of their remuneration, and a description of their responsibilities.

(5) Board personnel for each board or commission shall be employed by and serve at the pleasure of the board or commission, shall be supervised as the board or commission designates, and shall have their duties and compensation prescribed by the board or commission, within appropriations for that purpose, except that compensation for board personnel shall not exceed that established for comparable positions as determined by the board or commission pursuant to the job and pay plan of the department of insurance, financial institutions and professional registration. Nothing herein shall be construed to permit salaries for any board personnel to be lowered except by board action.

[12.] **17.** All the powers, duties, and functions of the division of athletics, chapter 317, and others, are assigned by type I transfer to the division of professional registration.

[13.] 18. Wherever the laws, rules, or regulations of this state make reference to the "division of professional registration of the department of economic development", such references shall be deemed to refer to the division of professional registration.

621.280 1. For any new board or commission created after July 1, 2015, and charged with regulating or licensing an occupation or profession, those practitioners actively engaged in the newly regulated occupation or profession for at least one year prior to the effective date of the regulatory statute shall have a property right in their continued legal ability to engage in their occupation or profession.

2. Any decision of a newly-created board or commission to refuse licensure to a pre-existing practitioner shall be in writing, shall inform the pre-existing practitioner of the specific reasons for the denial, and shall inform the pre-existing practitioner of their right to appeal before a neutral decision-maker at the administrative hearing commission. Any pre-existing practitioner denied licensure shall have the right to file an appeal to the administrative hearing commission on their license denial within thirty days after the decision of the newly-created board or commission. If the pre-existing practitioner does not timely appeal, their right to continue practicing the occupation or profession shall extinguish immediately. In the event of a timely appeal, the pre-existing practitioner's right to practice their occupation or profession shall continue until a final decision of the administrative hearing commission. The burden of proof in any hearing under this section shall be on the new board or commission to show that the pre-existing practitioner does not meet the requirements of the new regulatory regime."; and

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

House Committee Amendment No. 2

AMEND Senate Substitute for Senate Bill No. 416, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the following "sections relating to professional registration"; and

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

"334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice registered nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in schedules III, IV, and V of section 195.017 for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, except the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. This exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C. 1395i-4, and provider-based rural health clinics where the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician is required to maintain documentation related to this requirement and to present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse;

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days. **In performing the review, the collaborating physician need not be present at the health care practitioner's site;** and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including delegating authority to prescribe controlled substances. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for

the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, including collaborative practice agreements delegating the authority to prescribe controlled substances, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017.

8. A collaborating physician shall not enter into a collaborative practice arrangement with more than three full-time equivalent advanced practice registered nurses. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008, **nor to collaborative arrangements between a physician and an advanced practice registered nurse, if the collaborative physician is new to a patient population to which the collaborating advanced practice registered nurse is already familiar.**

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician."; and

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

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SS SCS SB 517**, 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(7) be referred to the Select Committee on General Laws.

House Committee Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 517, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the following:

"sections relating to professional registration."; and

Further amend said bill, Page 5, Section 193.145, Line 99, by inserting immediately after said line the following:

"324.001. 1. (1) The purpose of sections 324.001 to 324.1109 is to promote the general welfare by establishing guidelines for the regulation of occupations and professions not regulated prior to January 1, 2016.

(2) All individuals may engage in the occupation of their choice, free from unreasonable government regulation. The state may not impose a substantial burden on an individual's pursuit of his or her occupation or profession unless there is an important governmental interest for the state to protect the general welfare. If such an interest exists, the regulation adopted by the state shall be the least restrictive type of regulation consistent to the public interest to be protected.

(3) All bills introduced in the legislature to regulate an occupation or profession for the first time shall be reviewed according to the following criteria. An occupation or profession shall be regulated by the state only if:

(a) Unregulated practice has caused significant harm and endangered the general welfare and the potential for further harm and endangerment is easily recognizable and not remote or dependent upon tenuous argument;

(b) The public needs and can reasonably be expected to benefit from an assurance of initial personal qualifications; and

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

(4) After evaluating the criteria in subdivision (3) of this subsection and considering governmental, economic, and societal costs and benefits, if the legislature finds that the state has an important interest in regulating an occupation or profession not previously regulated by law, the least restrictive type of regulation shall be implemented, consistent with the need to protect the general welfare and this section. If:

(a) Market competition, common law, statutory civil actions, and criminal prohibitions are insufficient to eradicate actual harm, the regulation shall provide for stricter civil actions and criminal prosecutions;

(b) A service is being performed for individuals involves a hazard to the general welfare, the regulation shall impose inspection requirements and enable an appropriate state agency to enforce violations by injunctive relief in court including, but not limited to, regulation of the business activity providing the service rather than practitioners;

(c) The threat to the general welfare resulting from the practitioner's services is relatively small, easily identifiable or predictable, the regulation shall implement a system of insurance, bonding, or registration;

(d) The consumer possesses significantly less information so that the practitioner puts the consumer in a disadvantageous position relative to the practitioner to judge the quality of the practitioner's services, the regulation shall implement a voluntary system of certification; or

(e) There is no other type of regulation that will protect the general welfare other than licensing, the regulation shall implement a system of licensing.

2. For the purposes of this section, the following terms mean:

(1) "Applicant group", any occupational or professional group or organization, any individual, or any other interested party that proposes that any occupation or profession not presently regulated be regulated;

(2) "Certification", a voluntary program in which the government grants nontransferable recognition to an individual who meets personal qualifications established by a legislative body. Upon approval, the individual may use "certified" as a designated title. Someone who has not been recognized as certified may perform the occupation for compensation lawfully, but shall not use the title "certified". This term shall not be synonymous with an occupational license or prohibit the use of private certification;

(3) "Department", the department of insurance, financial institutions and professional registration;

- [2)] (4) "Director", the director of the division of professional registration; and
[(3)] (5) "Division", the division of professional registration;
- (6) "General welfare", the concern of the government for the health, peace, morality, and safety of its citizens;
- (7) "Grandfather clause", a provision in a regulatory statute applicable to practitioners actively engaged in the regulated occupation or profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the personal qualifications set forth in the regulatory statute to perform prescribed occupational tasks;
- (8) "Inspection" the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' activities are being carried out in a fashion consistent with the requisite level of cleanliness necessary to protect the general welfare;
- (9) "Lawful occupation", a course of conduct, pursuit, or profession that includes the sale of goods or services that are not themselves illegal to sell irrespective of whether the individual selling them is subject to an occupational regulation;
- (10) "Least restrictive type of occupational regulations", in order from least to most restrictive:
- (a) Market competition;
 - (b) A provision for private civil action to remedy consumer harm;
 - (c) Criminal sanction;
 - (d) Regulation of the business activity providing the service rather than the practitioner;
 - (e) Inspection;
 - (f) Bonding or insurance;
 - (g) Registration;
 - (h) Certification;
 - (i) Occupational license;
- (11) "Legislative committees of reference", the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate occupations, or professions not previously regulated;
- (12) "Occupational license", a nontransferable authorization in law for an individual to perform a lawful occupation for compensation based on meeting personal qualifications established by a legislative body. It shall be prohibited for an individual who does not possess an occupational license to perform the occupation for compensation;
- (13) "Occupational regulation", a statute, ordinance, rule, practice, policy, or other law requiring an individual to possess certain personal qualifications to work in a lawful occupation;
- (14) "Personal qualifications", criteria related to an individual's personal background including completion of an approved educational program, satisfactory performance on an examination, work experience, criminal history, moral standing, and completion of continuing education;
- (15) "Practitioner", an individual who has achieved knowledge and skill by practice and is actively engaged in a specified occupation or profession;
- (16) "Public member" an individual who is not currently, and has never been in the past, a member or spouse of a member of the occupation or profession being regulated or an individual who does not currently have and has never in the past had a material financial interest in either the rendering of the occupation or professional service being regulated or an activity directly related to the occupation or profession being regulated;
- (17) "Registration", a requirement established by the legislature in which a person:
- (a) Submits notification to a state agency; and
 - (b) May use "registered" as a designated title.

Notification may include the person's name and address, the person's agent for service of process, the location of the activity to be performed, and a description of the service the person provides. Registration may include a requirement to post a bond but does not include education or experience requirements. Nonregistered persons may not perform the occupation for compensation or use "registered" as a designated title. The term registration shall not be synonymous with an occupational license and does not refer to or prohibit the use of private registration;

(18) "Regulatory entity", any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state;

(19) "State agency", every state office, department, board, commission, regulatory entity, and agency of the state, and, if provided by law, programs and activities involving less than the full responsibility of a state agency;

(20) "Substantial burden", a requirement in an occupational regulation that imposes significant difficulty or cost on an individual seeking to enter into or continue in a lawful occupation and is more than an incidental burden.

[2.] 3. After January 1, 2016, applicant groups shall explain each of the following factors to the extent requested by the legislative committees of reference:

(1) A definition of the problem and why regulation is necessary including, but not limited to:

(a) The description and quantification of the actual harm to the general public due to the fact that the occupation or profession is not regulated;

(b) The extent to which the actual harm could be avoided;

(c) A description of how consumers will benefit in the future from the proposed type of regulation;

and

(d) The extent of autonomy a practitioner has, as indicated by:

a. The extent to which the occupation or profession calls for independent judgment and the extent of skill or experience required in making the independent judgment; and

b. The extent to which practitioners are supervised;

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

(a) Voluntary efforts, if any, by members of the occupation or profession to:

a. Establish a code of ethics; or

b. Help resolve disputes between practitioners and consumers; and

(b) Recourse to and the extent of use of applicable law and whether it could be strengthened to control the problem;

(3) The alternatives considered including, but not limited to:

(a) Increased civil or criminal sanctions;

(b) Regulation of businesses rather than practitioners;

(c) Regulation of the service or training program rather than the individual practitioners;

(d) Inspections;

(e) Bonding or insurance;

(f) Registration of all practitioners;

(g) Certification of all practitioners;

(h) Other alternatives;

(i) Why the use of the alternatives specified in this subsection would not be adequate to protect the general welfare; and

(j) Why licensing would serve to protect the general welfare;

(4) The benefit to the public if regulation is granted;

(5) The extent to which the incidences of specific problems present in the unregulated occupation or profession can reasonably be expected to be reduced by proposed regulation;

(6) Whether the public can identify qualified practitioners;

(7) The extent to which the public can be confident that qualified practitioners are competent:

(a) Whether the proposed regulatory entity would be a board composed of members of the profession and public members, a state agency, or both, and, if appropriate, their respective responsibilities in administering the system of inspections, bonding, insurance, registration, certification, or licensure, including the composition of the board and the number of public members, if any; the powers and duties of the board or state agency regarding examinations and for cause revocation, suspension, and nonrenewal of registrations, certificates, or licenses; the promulgation of rules and canons of ethics; the conduct of inspections; the receipt of complaints and disciplinary action taken against practitioners; and how fees would be levied and collected to cover the expenses of administering and operating the regulatory system;

(b) If there is a grandfather clause, how consumers will be protected from the harm caused by current practitioners that is the basis for advocating for the enactment of the proposed regulation;

(c) If there is a grandfather clause, if current practitioners will be required to meet the prerequisite qualifications established by the regulatory entity at a later date and if not, why not;

(d) Whether the regulatory entity would be authorized to enter into reciprocity agreements with other jurisdictions;

(e) The nature and duration of any training including, but not limited to, whether the training includes a substantial amount of supervised field experience; whether training programs exist in this state; if there will be an experience requirement; whether the experience shall be acquired under a registered, certified, or licensed practitioner; whether there are alternative routes of entry or methods of meeting the prerequisite qualifications; whether all applicants will be required to pass an examination; and, if an examination is required, by whom it will be developed and how the costs of development will be met; and

(f) What additional training programs are anticipated to be necessary to assure training is accessible statewide; the anticipated time required to establish the additional training programs; the types of institutions capable of providing the training; a description of how training programs will meet the needs of the expected workforce, including reentry workers, minorities, placebound students, and others;

(8) Assurance of the public that practitioners have maintained their competence:

(a) Whether the registration, certification, or licensure will carry an expiration date; and

(b) Whether renewal will be based only upon payment of a fee, or whether renewal will involve reexamination, peer review, or other enforcement;

(9) The extent to which regulation might harm the public;

(10) The extent to which regulation will restrict entry into the occupation or profession:

(a) Whether the proposed personal qualifications are more restrictive than necessary to insure safe and effective performance;

(b) How the proposed personal qualifications compare to other regulations in the state which may involve greater risks to the general welfare; and

(c) The number of other states that regulate the same occupation or profession and how the proposed personal qualifications compare to required personal qualifications in other states that regulate the same occupation or profession;

(11) Whether there are similar professions to that of the applicant group which shall be included in or portions of the applicant group which shall be excluded from the proposed legislation;

(12) The maintenance of personal qualifications;

(13) Whether effective quality assurance standards exist in the occupation or profession, such as legal requirements associated with specific programs that define or enforce professional standards, or a code of ethics;

(14) How the proposed legislation will assure:

(a) The extent to which a code of ethics, if any, will be adopted; and

(b) Grounds for suspension or revocation of registration, certification, or licensure;

(15) A description of the group proposed for regulation, including a list of associations, organizations, and other groups representing the practitioners in this state, an estimate of the number of practitioners in each group, and whether the groups represent different levels of practice; and

(16) The expected costs of regulation including, but not limited to:

(a) The impact registration, certification, or licensure will have on the costs of the services to the public;

(b) The cost to the state and to the general public of implementing the proposed legislation; and

(c) The cost to the state and the members of the group proposed for regulation for the required education, including projected tuition and expenses and expected increases in training programs, staffing, and enrollments at state training institutions.

4. Applicant groups shall submit a written report explaining the factors enumerated in subsection 3 of this section to the legislative committees of reference.

5. A legislative proposal which contains a continuing education requirement shall be accompanied by a detailed explanation of how such requirement could be effective for the profession addressed in the legislation.

6. Nothing in this section shall be construed to create a right of action against a private party or to require a private party to do business with an individual who is not licensed, certified or registered with the government or to create a right of action against the state, county, municipal, or other level of government in the state.

7. There is hereby established a "Division of Professional Registration" assigned to the department of insurance, financial institutions and professional registration as a type III transfer, headed by a director appointed by the governor with the advice and consent of the senate. All of the general provisions, definitions and powers enumerated in section 1 of the Omnibus State Reorganization Act of 1974 and Executive Order 06-04 shall apply to this department and its divisions, agencies, and personnel.

[3.] **8.** The director of the division of professional registration shall promulgate rules and regulations which designate for each board or commission assigned to the division the renewal date for licenses or certificates. After the initial establishment of renewal dates, no director of the division shall promulgate a rule or regulation which would change the renewal date for licenses or certificates if such change in renewal date would occur prior to the date on which the renewal date in effect at the time such new renewal date is specified next occurs. Each board or commission shall by rule or regulation establish licensing periods of one, two, or three years. Registration fees set by a board or commission shall be effective for the entire licensing period involved, and shall not be increased during any current licensing period. Persons who are required to pay their first registration fees shall be allowed to pay the pro rata share of such fees for the remainder of the period remaining at the time the fees are paid. Each board or commission shall provide the necessary forms for initial registration, and thereafter the director may prescribe standard forms for renewal of licenses and certificates. Each board or commission shall by rule and regulation require each applicant to provide the information which is required to keep the board's records current. Each board or commission shall have the authority to collect and analyze information required to support workforce planning and policy development. Such information shall not be publicly disclosed so as to identify a specific health care provider, as defined in section 376.1350. Each board or commission shall issue the original license or certificate.

[4.] **9.** The division shall provide clerical and other staff services relating to the issuance and renewal of licenses for all the professional licensing and regulating boards and commissions assigned to the division. The division shall perform the financial management and clerical functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and renewal of licenses and certificates" means the ministerial function of preparing and delivering licenses or certificates, and obtaining material and information for the board or commission in connection with the renewal thereof. It does not include any discretionary authority with regard to the original review of an applicant's qualifications for licensure or certification, or the subsequent review of licensee's or certificate holder's qualifications, or any disciplinary action contemplated against the licensee or certificate holder. The division may develop and implement microfilming systems and automated or manual management information systems.

[5.] **10.** The director of the division shall maintain a system of accounting and budgeting, in cooperation with the director of the department, the office of administration, and the state auditor's office, to ensure proper charges are made to the various boards for services rendered to them. The general assembly shall appropriate to the division and other state agencies from each board's funds moneys sufficient to reimburse the division and other state agencies for all services rendered and all facilities and supplies furnished to that board.

[6.] **11.** For accounting purposes, the appropriation to the division and to the office of administration for the payment of rent for quarters provided for the division shall be made from the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for the purpose defined in subsection [5] **10** of this section. The fund shall consist of moneys deposited into it from each board's fund. Each board shall contribute a prorated amount necessary to fund the division for services rendered and rent based upon the system of accounting and budgeting established by the director of the division as provided in subsection [5] **10** of this section. Transfers of funds to the professional registration fees fund shall be made by each board on July first of each year; provided, however, that the director of the division may establish an alternative date or dates of transfers at the request of any board. Such transfers shall be made until they equal the prorated amount for services rendered and rent by the division. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue.

[7.] **12.** The director of the division shall be responsible for collecting and accounting for all moneys received by the division or its component agencies. Any money received by a board or commission shall be promptly given, identified by type and source, to the director. The director shall keep a record by board and state accounting system classification of the amount of revenue the director receives. The director shall promptly transmit all receipts to the department of revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall provide each board with all relevant financial information in a timely fashion. Each board shall cooperate with the director by providing necessary information.

[8.] **13.** All educational transcripts, test scores, complaints, investigatory reports, and information pertaining to any person who is an applicant or licensee of any agency assigned to the division of professional registration by statute or by the department are confidential and may not be disclosed to the public or any member of the public, except with the written consent of the person whose records are involved. The agency which possesses the records or information shall disclose the records or information if the person whose records or information is involved has consented to the disclosure. Each agency is entitled to the attorney-client privilege and work-product privilege to the same extent as any other person. Provided, however, that any board may disclose confidential

information without the consent of the person involved in the course of voluntary interstate exchange of information, or in the course of any litigation concerning that person, or pursuant to a lawful request, or to other administrative or law enforcement agencies acting within the scope of their statutory authority. Information regarding identity, including names and addresses, registration, and currency of the license of the persons possessing licenses to engage in a professional occupation and the names and addresses of applicants for such licenses is not confidential information.

[9.] **14.** Any deliberations conducted and votes taken in rendering a final decision after a hearing before an agency assigned to the division shall be closed to the parties and the public. Once a final decision is rendered, that decision shall be made available to the parties and the public.

[10.] **15.** A compelling governmental interest shall be deemed to exist for the purposes of section 536.025 for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the division of professional registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue.

[11.] **16.** (1) The following boards and commissions are assigned by specific type transfers to the division of professional registration: Missouri state board of accountancy, chapter 326; board of cosmetology and barber examiners, chapters 328 and 329; Missouri board for architects, professional engineers, professional land surveyors and landscape architects, chapter 327; Missouri state board of chiropractic examiners, chapter 331; state board of registration for the healing arts, chapter 334; Missouri dental board, chapter 332; state board of embalmers and funeral directors, chapter 333; state board of optometry, chapter 336; Missouri state board of nursing, chapter 335; board of pharmacy, chapter 338; state board of podiatric medicine, chapter 330; Missouri real estate appraisers commission, chapter 339; and Missouri veterinary medical board, chapter 340. The governor shall appoint members of these boards by and with the advice and consent of the senate.

(2) The boards and commissions assigned to the division shall exercise all their respective statutory duties and powers, except those clerical and other staff services involving collecting and accounting for moneys and financial management relating to the issuance and renewal of licenses, which services shall be provided by the division, within the appropriation therefor. Nothing herein shall prohibit employment of professional examining or testing services from professional associations or others as required by the boards or commissions on contract. Nothing herein shall be construed to affect the power of a board or commission to expend its funds as appropriated. However, the division shall review the expense vouchers of each board. The results of such review shall be submitted to the board reviewed and to the house and senate appropriations committees annually.

(3) Notwithstanding any other provisions of law, the director of the division shall exercise only those management functions of the boards and commissions specifically provided in the Reorganization Act of 1974, and those relating to the allocation and assignment of space, personnel other than board personnel, and equipment.

(4) "Board personnel", as used in this section or chapters 317, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, and 345, shall mean personnel whose functions and responsibilities are in areas not related to the clerical duties involving the issuance and renewal of licenses, to the collecting and accounting for moneys, or to financial management relating to issuance and renewal of licenses; specifically included are executive secretaries (or comparable positions), consultants, inspectors, investigators, counsel, and secretarial support staff for these positions; and such other positions as are established and authorized by statute for a particular board or commission. Boards and commissions may employ legal counsel, if authorized by law, and temporary personnel if the board is unable to meet its responsibilities with the employees authorized above. Any board or commission which hires temporary employees shall annually provide the division director and the appropriation committees of the general assembly with a complete list of all persons employed in the previous year, the length of their employment, the amount of their remuneration, and a description of their responsibilities.

(5) Board personnel for each board or commission shall be employed by and serve at the pleasure of the board or commission, shall be supervised as the board or commission designates, and shall have their duties and compensation prescribed by the board or commission, within appropriations for that purpose, except that compensation for board personnel shall not exceed that established for comparable positions as determined by the board or commission pursuant to the job and pay plan of the department of insurance, financial institutions and professional registration. Nothing herein shall be construed to permit salaries for any board personnel to be lowered except by board action.

[12.] **17.** All the powers, duties, and functions of the division of athletics, chapter 317, and others, are assigned by type I transfer to the division of professional registration.

[13.] **18.** Wherever the laws, rules, or regulations of this state make reference to the "division of professional registration of the department of economic development", such references shall be deemed to refer to the division of professional registration.

621.280 1. For any new board or commission created after July 1, 2015, and charged with regulating or licensing an occupation or profession, those practitioners actively engaged in the newly regulated occupation or profession for at least one year prior to the effective date of the regulatory statute shall have a property right in their continued legal ability to engage in their occupation or profession.

2. Any decision of a newly-created board or commission to refuse licensure to a pre-existing practitioner shall be in writing, shall inform the pre-existing practitioner of the specific reasons for the denial, and shall inform the pre-existing practitioner of their right to appeal before a neutral decision-maker at the administrative hearing commission. Any pre-existing practitioner denied licensure shall have the right to file an appeal to the administrative hearing commission on their license denial within thirty days after the decision of the newly-created board or commission. If the pre-existing practitioner does not timely appeal, their right to continue practicing the occupation or profession shall extinguish immediately. In the event of a timely appeal, the pre-existing practitioner's right to practice their occupation or profession shall continue until a final decision of the administrative hearing commission. The burden of proof in any hearing under this section shall be on the new board or commission to show that the pre-existing practitioner does not meet the requirements of the new regulatory regime."; and

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

House Committee Amendment No. 2

AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 517, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the following:

" sections relating to professional registration"; and

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

"334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice registered nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in schedules III, IV, and V of section 195.017 for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, except the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. This exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C. 1395i-4, and provider-based rural health clinics where the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician is required to maintain documentation related to this requirement and to present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse;

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days. **In performing the review, the collaborating physician need not be present at the health care practitioner's site;** and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including delegating authority to prescribe controlled substances. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for

the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, including collaborative practice agreements delegating the authority to prescribe controlled substances, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017.

8. A collaborating physician shall not enter into a collaborative practice arrangement with more than three full-time equivalent advanced practice registered nurses. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008, **nor to collaborative arrangements between a physician and an advanced practice registered nurse, if the collaborative physician is new to a patient population to which the collaborating advanced practice registered nurse is already familiar.**

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician."; and

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

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

Mr. Speaker: Your Committee on Property, Casualty, and Life Insurance, to which was referred **SB 392**, 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 Ways and Means, Chairman Koenig reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SB 377**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1, House Committee Amendment No. 2, House Committee Amendment No. 1 to House Committee Amendment No. 3 and House Committee Amendment No. 3, as amended**, and pursuant to Rule 27(6) be referred to the Select Committee on Financial Institutions and Taxation.

House Committee Amendment No. 1

AMEND Senate Bill No. 377, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the words, "to taxation."; and

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

"94.360. 1. The council of any incorporated town or city in this state having a special charter and which contains not more than thirty thousand inhabitants may by ordinance levy and collect a license tax on wholesale houses, auctioneers, architects, druggists, grocers, banks, brokers, wholesale merchants, merchants of all kinds, confectioners, delivery trucks, ice trucks, transfer trucks, laundry wagons, milk wagons, merchant delivery companies, cigar and tobacco stands, hay scales, wood dealers, coal dealers, coal distributors, coal truckers, lumber dealers, real estate agents, loan companies, abstracters, abstract agencies, loan agents, collection agencies, undertakers, public buildings, office buildings, public halls, public grounds, concerts, photographers in office or upon streets, canvassers, artists, drummers, patent right dealers, insurance companies, insurance agents, taverns, hotels, rooming houses, boarding houses, sanitariums, hospitals, health schools, telephone companies, street contractors, paperhanger contractors, painting contractors, plastering contractors, and all subcontractors, flour mills, express company agencies, opticians, wagons, buggies, carriages, tanners, barbers, barbershops, hairdressers, hair dressing shops, whether conducted in connection with other business or separate, beauty parlors, tailors, florists, nursery stock agents, bookbinders, monument dealers, and agencies, manufacturing agents, shoe cobbler shops, storage warehouses, shoe shining parlors, job printing plants, outdoor advertising, ready-to-wear clothing agencies, tailor-made clothing agencies, sewing machine agencies, piano and organ dealers and agents, foreign coffee and tea dealers, and agents or all other vocations whatsoever, and fix the rate of carriage of persons and wagonage, drayage and cartage of property; and may levy and collect a license tax and regulate hawkers, peddlers, pawnbrokers, restaurants, butchers, wholesale butchers, bathhouses and masseurs, lunch stands, lunch counters, lunch wagons, soft drink and ice cream stands and vendors, ice cream parlors, peanut and popcorn stands, and stands of every kind, hucksters, opera houses, moving picture shows, private parks, public lectures, public meetings, baseball parks, horse and cattle dealers, stockyards, wagon yards, auto yards, oil stations, wholesale and retail inspectors, gaugers, mercantile agents, manufacturing and other corporations, or institutions, machine shops, blacksmith shops, radio repair shops, foundries, sewer contractors, building contractors, stone contractors, sidewalk contractors, bridge contractors, plumbing contractors, brick contractors, cement contractors, and all subcontractors, street railroad cars, gas companies, light companies, power companies, and water companies, laundries, laundry agencies, rug and carpet cleaners, linen supply rental service, conditioning and renting for use, bed linen, table linen, towels, rugs, uniform aprons, coats, caps, coveralls, chair covers, automobile seat covers or any other items, ice plants and ice plant agencies, ice dealers, omnibuses, automobiles, automobile trailers, tractors, carts, drays, milk wagons, laundry wagons, delivery wagons, transfer and job wagons, ice wagons, and all other vehicles, traveling and auction stores, plumbers, pressing establishments, installment houses and agencies, produce and poultry dealers, feather renovators, baker and bakeries, bakery delivery wagons, and delivery autos, bottling works, dye works, cleaning establishments, sand plants, steamfitters, corn doctors, chiropodists, hackmen, taxicabs, buses, draymen, omnibus drivers, porters, dairies, and regulate the same, and all other pursuing like occupations; and may levy and collect a license tax, regulate, restrain, prohibit and suppress ordinaries, money brokers, money changers, intelligence and employment offices, and agencies, public masquerades, balls, street exhibitions, dance halls, fortune tellers, pistol galleries, shooting galleries, palmists, private venereal hospitals, museums, menageries, equestrian performances, fluoroscopic views, picture shows, telescopic views, lung testers, muscle developers, magnifying glasses, ten pin alleys, ball alleys, bowling alleys, billiard tables, pool and other tables, miniature golf courses, theatrical or other exhibitions,

boxing and sparring exhibitions, shows and amusements, amusement parks, and the sale of unclaimed goods by express companies or common carriers, auto wrecking shops, bill posters, junk dealers, porters, carnival and street fairs, circuses and shows for parade and exhibition, or both, skating rinks and runners, and solicitors for steamboats, cars, stages, taxicabs, hotels, rooming houses, boarding houses, bathhouses, masseurs, hospitals, sanitariums, health schools, and all other pursuing like occupations.

2. Notwithstanding any other law to the contrary, the total license taxes, including those authorized under sections 94.360 and 94.270, imposed upon hotels or motels levied by any city may not exceed one-eighth of one percent of a hotel's or motel's gross revenue or the tax rate imposed on hotels and motels as of May 1, 2015, whichever is higher. The provisions of this section shall not apply to any tax levied in compliance with subsection 7 of section 94.270 or to any tax levied under section 92.045."; and

Further amend said bill, Page 11, Section 144.030, Line 367, by inserting after all of said section and line the following:

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

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

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

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

5. [It shall be unlawful for] Any person [to] **may** advertise or hold out or state to the public or to any customer directly [or indirectly] that the tax or any part thereof imposed by sections 144.010 to 144.525, and required to be collected by the person, will be assumed or absorbed by the person, [or that it will not be separately stated and added to the selling price of the] **provided that the amount of tax assumed or absorbed shall be stated on any invoice or receipt for the** property sold or service rendered [, or if added, that it or any part thereof will be refunded]. Any person violating any of the provisions of this section shall be guilty of a misdemeanor. **This subsection shall not apply to any retailer prohibited from collecting and remitting sales tax under section 66.630.";** and

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

House Committee Amendment No. 2

AMEND Senate Bill No. 377, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the words, "to taxation."; and

Further amend said bill, Page 11, Section 144.030, Line 367, by inserting immediately after said line the following:

"285.517. Notwithstanding any provision of sections 285.500 to 285.515 or any other provision of law to the contrary, for any taxpayer undergoing an audit conducted by the department of labor and industrial relations regarding classification of an individual as an independent contractor or employee, if the taxpayer has been granted relief from the imposition of federal employment taxes under Section 530 of the Revenue Act of 1978, as amended, for an individual, with the result that the taxpayer can continue to classify the individual as an independent contractor for purposes of federal employment taxes, the department of labor and industrial relations and the department of revenue shall allow the taxpayer to classify the individual as an independent contractor for purposes of Missouri employment taxes with a maximum employment tax rate of one percent. Nothing in this section shall be construed to change in any way the status, liabilities, or rights of the individual whose status is at issue. This section terminates the liability of the employer for the Missouri employment taxes at one percent, but shall have no effect on the individual whose status is at issue."; and

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

House Committee Amendment No. 1
to
House Committee Amendment No. 3

AMEND House Committee Amendment No. 3 to Senate Bill No. 377, Page 2, Lines 21-40, by deleting all of said lines from the amendment and inserting in lieu thereof the following:

"refund in lieu of the sales tax holiday"; and"; and

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

House Committee Amendment No. 3

AMEND Senate Bill No. 377, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the words, "to taxation."; and

Further amend said bill, Page 11, Section 144.030, Line 367, by inserting after all of said section the following:

"144.049. 1. For purposes of this section, the following terms mean:

(1) "Clothing", any article of wearing apparel, including footwear, intended to be worn on or about the human body. The term shall include but not be limited to cloth and other material used to make school uniforms or other school clothing. Items normally sold in pairs shall not be separated to qualify for the exemption. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt buckles; and

(2) "Personal computers", a laptop, desktop, or tower computer system which consists of a central processing unit, random access memory, a storage drive, a display monitor, and a keyboard and devices designed for use in conjunction with a personal computer, such as a disk drive, memory module, compact disk drive, daughterboard, [digitalizer] **digitizer**, microphone, modem, motherboard, mouse, multimedia speaker, printer, scanner, single-user hardware, single-user operating system, soundcard, or video card;

(3) "School supplies", any item normally used by students in a standard classroom for educational purposes, including but not limited to textbooks, notebooks, paper, writing instruments, crayons, art supplies, rulers, book bags, backpacks, handheld calculators, chalk, maps, and globes. The term shall not include watches, radios, CD players, headphones, sporting equipment, portable or desktop telephones, copiers or other office equipment, furniture, or fixtures. School supplies shall also include computer software having a taxable value of three hundred fifty dollars or less **and any graphing calculator having a taxable value of one hundred fifty dollars or less.**

2. In each year beginning on or after January 1, 2005, there is hereby specifically exempted from state sales tax law all retail sales of any article of clothing having a taxable value of one hundred dollars or less, all retail sales of school supplies not to exceed fifty dollars per purchase, all computer software with a taxable value of three hundred fifty dollars or less, **all graphing calculators having a taxable value of one hundred fifty dollars or less,** and all retail sales of personal computers or computer peripheral devices not to exceed [three] **one** thousand five

hundred dollars, during a three-day period beginning at 12:01 a.m. on the first Friday in August and ending at midnight on the Sunday following.

3. If the governing body of any political subdivision adopted an ordinance that applied to the 2004 sales tax holiday to prohibit the provisions of this section from allowing the sales tax holiday to apply to such political subdivision's local sales tax, then, notwithstanding any provision of a local ordinance to the contrary, the 2005 sales tax holiday shall not apply to such political subdivision's local sales tax. However, any such political subdivision may enact an ordinance to allow the 2005 sales tax holiday to apply to its local sales taxes. A political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

4. This section shall not apply to any sales which take place within the Missouri state fairgrounds.

5. This section applies to sales of items bought for personal use only.

6. After the 2005 sales tax holiday, any political subdivision may, by adopting an ordinance or order, choose to prohibit future annual sales tax holidays from applying to its local sales tax. After opting out, the political subdivision may rescind the ordinance or order. The political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

7. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.

144.526. 1. This section shall be known and may be cited as the "Show Me Green Sales Tax Holiday".

2. For purposes of this section, the following terms mean:

(1) "Appliance", clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators and freezers; and

(2) "Energy star certified", any appliance approved by both the United States Environmental Protection Agency and the United States Department of Energy as eligible to display the energy star label, as amended from time to time.

3. In each year beginning on or after January 1, 2009, there is hereby specifically exempted from state sales tax law all retail sales of any energy star certified new appliance, up to [one] **two** thousand [five hundred] dollars per appliance, during a seven-day period beginning at 12:01 a.m. on April nineteenth and ending at midnight on April twenty-fifth.

4. A political subdivision may allow the sales tax holiday under this section to apply to its local sales taxes by enacting an ordinance to that effect. Any such political subdivision shall notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any such ordinance or order.

5. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday."; and

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

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SB 463**, 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. 2** and **House Committee Amendment No. 2, as amended**, and pursuant to Rule 27(6) be referred to the Select Committee on Financial Institutions and Taxation.

House Committee Amendment No. 1
to
House Committee Amendment No. 2

AMEND House Committee Amendment No. 2 to Senate Bill No. 463, Page 1, Line 8, by deleting the number, "**2015**" and inserting in lieu thereof the number, "**2021**"; and

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

AMEND Senate Bill No. 463, Page 1, In the Title, Line 3, by deleting "benevolent tax credits" and inserting in lieu thereof "taxation"; and

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

"135.760. 1. This section shall be known and may be cited as the "Missouri Earned Income Tax Credit Act".

2. For all taxable years beginning on or after January 1, 2015, a resident individual who is allowed a federal earned income tax credit under Section 32 of the Internal Revenue Code of 1986, as amended, shall be allowed a credit against the tax otherwise due under chapter 143, not including sections 143.191 to 143.265, in an amount equal to twenty percent of the allowable federal earned income tax credit. The tax credit allowed by this section shall be claimed by such individual at the time such individual files a return and shall be applied against the income tax liability imposed by chapter 143 after reduction for all other credits allowed thereon. For taxpayers whose filing status is married filing separately, such taxpayers may elect to apply the tax credit to the income tax liability of either taxpayer, or may elect to apply the tax credit evenly to the income tax liability of each spouse. If the amount of the credit exceeds the tax liability, the difference shall not be refunded to the taxpayer.

3. Notwithstanding the provision of subsection 4 of section 32.057, the department of revenue or any duly authorized employee or agent shall determine whether any taxpayer filing a report or return with the department of revenue who has not applied for the credit allowed under this section may qualify for the credit, and shall notify any qualified claimant of the claimant's potential eligibility, if the department determines such potential eligibility exists. In making a determination of eligibility under this section, the department shall use any appropriate and available data including, but not limited to, data available from the Internal Revenue Service, the U.S. Department of Treasury, and state income tax returns from previous tax years.

4. The department shall prepare an annual report containing statistical information regarding the tax credits issued under this section for the previous tax year, including the total amount of revenue expended on the earned income tax credit, the number of credits claimed, and the average value of the credits issued to taxpayers whose earned income falls within various income ranges determined by the department.

5. The department shall contract with one or more nonprofit groups to provide notice of the earned income tax credit to eligible taxpayers. The department shall require evidence of the effectiveness of the nonprofit group, the connection with the community in which the group operates, and the ability to contact taxpayers that are unlikely to claim the federal earned income tax credit including, but not limited to, non-English speakers, elderly, tenants, and very low-income taxpayers who do not file tax returns annually. The department shall give preference to nonprofit groups with members in low- and moderate-income areas, nonprofit groups with at least fifty-one percent of the board of directors having low- to moderate-incomes and residents of target communities, and to nonprofit groups that have a record of effective door-to-door outreach for similar community projects.

6. The director of the department of revenue shall promulgate rules and regulations to administer the provisions of this section. 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 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.

7. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset."; and

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

Select Committee on General Laws, Chairman Jones reporting:

Mr. Speaker: Your Select Committee on General Laws, to which was referred **HJR 38**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**.

Mr. Speaker: Your Select Committee on General Laws, to which was referred **SB 148, with House Committee Amendment No. 1**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**.

Select Committee on Utilities, Chairman Berry reporting:

Mr. Speaker: Your Select Committee on Utilities, to which was referred **HCR 50**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Select Committee on Utilities, to which was referred **HB 756, with House Committee Amendment No. 1, House Committee Amendment No. 2, House Committee Amendment No. 3** and **House Committee Amendment No. 4**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**.

Mr. Speaker: Your Select Committee on Utilities, to which was referred **SS#3 SCS SB 142**, begs leave to report it has examined the same and recommends that it **Do Pass**.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 88**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 125**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 179**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 269**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 326**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 361**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 391**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 400**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 402**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 404**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 511**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 567**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 650**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 778**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 859**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 861**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 869**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 874**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1052**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1116**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1119**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 336** and has taken up and passed **HCS SCS SB 336**.

MESSAGE FROM THE GOVERNOR

May 5, 2015

TO THE CHIEF CLERK OF THE
HOUSE OF REPRESENTATIVES
98TH GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you **House Bill No. 150** entitled:

AN ACT

To repeal sections 288.036, 288.120, 288.122, and 288.330, RSMo, and to enact in lieu thereof five new sections relating to employment security, with penalty provisions.

I disapprove of **House Bill No. 150**. My reasons for disapproval are as follows:

Like a similar bill that did not meet my approval in 2014, House Bill No. 150 would reduce the maximum duration of unemployment benefits from 20 weeks to 13 weeks for Missourians who find themselves unemployed through no fault of their own. House Bill No. 150 would also reduce unemployment benefits for those Missourians who upon losing their job are provided some severance pay. These changes are unnecessary and unfair and will not receive my approval.

The unemployment system, jointly administered by the federal and state governments, is intended to serve as a bridge to future employment for those who are out of work due to circumstances beyond their control. Those receiving benefits are required to show that they are looking for work, and they are provided job placement and career advancement services. Moreover, the weekly benefits the system provides in Missouri are far from lucrative: Missouri's average weekly benefit of \$243.63 ranks 43rd out of all 50 states; Missouri's current cap of 20 weeks of benefits places Missouri among eight states that pay less than the national norm of 26 weeks; and only roughly one third of Missourians who apply for unemployment benefits actually receive them. At the same time, Missouri's unemployment trust fund – from which benefits are paid – remains, and is projected to remain, solvent and ready to provide those benefits when needed. The minimal benefit to the fund of reducing benefits from 20 to 13 weeks is greatly exceeded by the pain such a change would inflict on Missourians who are out of work.

House Bill No. 150 also seeks to reduce workers' benefits by offsetting any severance pay that those workers receive upon loss of their jobs. However, House Bill No. 150 fails to take into account that severance packages are often lower than what they would otherwise be *precisely because* those negotiating the arrangement assume that employees will qualify for unemployment compensation. Moreover, when compared with the impact this reduction would have on workers, the projected savings of this provision to the unemployment trust fund of up to \$4.6 million pales, in that the trust fund is projected to have a balance of \$366 million by the end of 2015. This proposed change seeks to solve a nonexistent problem.

Finally, House Bill No. 150 would tie the reduction from 20 to 13 weeks of possible benefits to Missouri's unemployment rate. But like a similar bill that did not receive my approval in 2014, House Bill No. 150 does not account for localized increases in unemployment, such as when a large employer closes its doors, which may not be materially reflected in the statewide unemployment rate to which benefits are indexed. As a result, the legislation would disproportionately impact Missouri communities with unemployment rates significantly higher than the state average.

Eighty years ago, America was in the throes of the Great Depression. This dark moment in our Nation's history lasted far longer than 13 weeks. And the recession experienced earlier this decade did not abate after a mere three months either. But in the 1930s, the early 21st century, and other difficult economic periods in between, the pain of these economic conditions was significantly and meaningfully mitigated by the unemployment system relied upon by generations of American workers. Unemployment benefits not only provide a safety net for workers, they also

provide an important boost when the economy is struggling, as those workers buy food, clothing, and other essentials. The unemployment system has proven to be vital to economic stability and recovery. The changes sought by House Bill No. 150 are unnecessary and unfair, and accordingly this bill fails to receive my approval.

In accordance with the above stated reasons for disapproval, I am returning **House Bill No. 150** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 254**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 254, with House Amendment Nos. 1, 2, 3, and 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 254, as amended;
2. That the Senate recede from its position on Senate Bill No. 254;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 254 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Will Kraus
/s/ Dan Brown
/s/ Bob Dixon
/s/ Jason Holsman
/s/ Jamilah Nasheed

FOR THE HOUSE:

/s/ Charlie Davis
/s/ Caleb Jones
/s/ Sue Allen
/s/ Pat Conway
/s/ Jeanne Kirkton

**CONFERENCE COMMITTEE REPORT
ON
SENATE BILL NO. 446**

The Conference Committee appointed on Senate Bill No. 446, with House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, and House Amendment No. 2, as amended, 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 Senate Bill No. 446, as amended;
2. That the Senate recede from its position on Senate Bill No. 446;
3. That the attached Conference Committee Substitute for Senate Bill No. 446 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Jill Schupp
/s/ Doug Libla
/s/ Dan Brown
/s/ Will Kraus
/s/ Shalonn “Kiki” Curls

FOR THE HOUSE:

/s/ Charlie Davis
/s/ John McCaherty
/s/ Rob Vescovo
/s/ Bob Burns
/s/ Pat Conway

REFERRAL OF CONFERENCE COMMITTEE REPORTS

CCR HCS SB 254 - Fiscal Review

CCR SB 446 - Fiscal Review

RECESS

On motion of Representative Richardson, the House recessed until 7:15 p.m., for the distribution of conference committee reports, and then stand adjourned until 10:00 a.m., Wednesday, May 6, 2015.

ADJOURNMENT

Pursuant to the motion of Representative Richardson, the House adjourned until 10:00 a.m., Wednesday, May 6, 2015.

COMMITTEE HEARINGS

AGRICULTURE POLICY

Wednesday, May 6, 2015, 12:00 PM, House Hearing Room 3.

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

This is a joint meeting of the Select Committee on Agriculture, the Regular Standing Committee on Agriculture Policy, the Regular Standing Committee on Conservation and Natural Resources, and the Agriculture, Conservation and National Resources Appropriations Committee. Presentations will be made to two former Representatives (Loehner and Guernsey). Dept of Agriculture director, Richard Fordyce; Dr. Scott Brown with the Univ of Mo Agriculture; Presentation from Farm Credit Services.

APPROPRIATIONS - AGRICULTURE, CONSERVATION, AND NATURAL RESOURCES

Wednesday, May 6, 2015, 12:00 PM, House Hearing Room 3.

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

This is a joint meeting of the Agriculture, Conservation and Natural Resources Appropriations Committee, the Select Committee on Agriculture, the Regular Standing Committee on Agriculture Policy, the Regular Standing Committee on Conservation and Natural Resources Committee. Presentations will be made to two former Representatives (Loehner and Guernsey). Dept. of Agriculture Director, Richard Fordyce; Dr. Scott Brown with the Univ. of MO Agriculture; Presentation from Farm Credit Services.

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Wednesday, May 6, 2015, 8:15 AM, House Hearing Room 3.

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

Department updates and review of proposed budgets.

CIVIL AND CRIMINAL PROCEEDINGS

Wednesday, May 6, 2015, 2:00 PM, House Hearing Room 7.

Public hearing will be held: SB 211

Executive session will be held: HB 368, SB 211

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

CONSERVATION AND NATURAL RESOURCES

Wednesday, May 6, 2015, 12:00 PM, House Hearing Room 3.

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

This is a joint of the Select Committee on Agriculture, the Regular Standing Committee on Agriculture Policy, the Regular Standing Committee on Conservation and Natural resources, and the Agriculture, Conservation, and Natural Resources Appropriations Committee. Presentation will be made to former Representatives (Loehner and Guernsey). Dept. of Agriculture director, Richard Fordyce; Dr. Scott Brown with the University of Missouri; Presentation from Farm Credit Services.

EMERGING ISSUES

Wednesday, May 6, 2015, 1:00 PM, House Hearing Room 5.

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

Executive Session.

FISCAL REVIEW

Wednesday, May 6, 2015, 8:30 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, May 7, 2015, 8:30 AM, South Gallery.

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

Executive session on bill(s) referred to the committee.

GOVERNMENT EFFICIENCY

Wednesday, May 6, 2015, Upon Conclusion of Morning Session, House Hearing Room 7.

Public hearing will be held: SCR 38

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

HEALTH AND MENTAL HEALTH POLICY

Wednesday, May 6, 2015, Upon Conclusion of Morning Session, House Hearing Room 6.

Public hearing will be held: HB 1072, HB 1100

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

Removed HB 96 and HB 551.

AMENDED

JOINT COMMITTEE ON EDUCATION

Monday, May 11, 2015, 1:00 PM, Senate Committee Room 1.

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

Agenda: Election of chair and vice chair. Consideration of interim inquires/projects.

SELECT COMMITTEE ON AGRICULTURE

Wednesday, May 6, 2015, 12:00 PM, House Hearing Room 3.

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

This is a joint meeting of the Select Committee on Agriculture, the Regular Standing Committee on Agriculture Policy, the Regular Standing Committee on Conservation and Natural Resources, and the Agriculture, Conservations and National Resources Appropriations Committee. Presentations will be made to two former Representatives (Loehner and Guernsey). Dept of Agriculture director, Richard Fordyce; Dr. Scott Brown with the Univ of Mo Agriculture; Presentation from Farm Credit Services.

SELECT COMMITTEE ON AGRICULTURE

Thursday, May 7, 2015, 8:00 AM, House Hearing Room 3.

Executive session will be held: SS SB 476

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

SELECT COMMITTEE ON COMMERCE

Wednesday, May 6, 2015, 12:30 or Upon Conclusion of Morning Session, whichever is later, House Hearing Room 4.

Executive session will be held: SS SB 314

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

SELECT COMMITTEE ON EDUCATION

Thursday, May 7, 2015, 8:00 AM, House Hearing Room 5.

Executive session will be held: SS SB 366, HB 436, HB 408, SCS SB 93, HB 1132, HB 1092, HB 653

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

SELECT COMMITTEE ON GENERAL LAWS

Wednesday, May 6, 2015, Upon Conclusion of Afternoon Session, House Hearing Room 7.

Executive session will be held: HB 49, HRB 666, HB 896, HB 897, SCS SB 146, HB 798, SS SB 14, HJR 38, SCS SB 107, SB 110, HB 1282, HJR 20, HB 204, HB 605, HJR 5, HB 1069, HB 661, HB 633, HB 205, HB 206, HB 273, SB 214, SS#2 SB 386, SS SB 58, SB 113, SCS SB 315, SCR 20, SCS SB 38

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

Note: Hearing Room Change.

CORRECTED

SELECT COMMITTEE ON INSURANCE

Thursday, May 7, 2015, 8:00 AM, House Hearing Room 4.

Executive session will be held: SS SCS SB 145, SB 392, SS SB 457

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

SELECT COMMITTEE ON JUDICIARY

Wednesday, May 6, 2015, 5:00 PM, House Hearing Room 1.

Executive session will be held: HB 840, SCS SB 109, SB 141, SS#2 SCS SB 199, 417 & 42, SB 200, SB 369, SB 216

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

There will be House Committee Subs for SB 199 and SB 141.

SELECT COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Wednesday, May 6, 2015, Upon Adjournment, House Hearing Room 3.

Executive session will be held: HB 44, HB 105, HB 1361

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

SELECT COMMITTEE ON SOCIAL SERVICES

Wednesday, May 6, 2015, 1:30 PM, South Gallery.

Executive session will be held: SCS SB 10, SCS SB 197, HB 1077, HB 1177, HB 1315

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

SELECT COMMITTEE ON STATE AND LOCAL GOVERNMENTS

Thursday, May 7, 2015, 8:00 AM, House Hearing Room 1.

Executive session will be held: SS SB 373, SB 497, SB 405, SS SCS SB 87

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

SELECT COMMITTEE ON UTILITIES

Thursday, May 7, 2015, 9:00 AM, House Hearing Room 6.

Executive session will be held: SCR 36, SCR 24

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

TRADE AND TOURISM

Wednesday, May 6, 2015, 9:00 AM, House Hearing Room 1.

Public hearing will be held: SCR 13, SCR 35

Executive session will be held: SCR 13, SCR 35

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

HOUSE CALENDAR

SIXTY-FOURTH DAY, WEDNESDAY, MAY 6, 2015

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HJR 9 - Burlison
HJR 4 - Haahr

HOUSE BILLS FOR PERFECTION

HCS HB 138 - Reiboldt
HCS HB 181 - Haahr
HCS HB 497 - Austin
HCS HB 203 - Curtman
HB 793, HA 1 to HA 1, HA 1, pending - Rizzo
HCS HB 321 - Jones
HCS HB 339 - McGaugh
HCS HB 550 - Wood
HCS HB 655 - Love
HB 676 - Rowden
HCS HB 965 - Allen
HCS HB 356 - Jones
HCS HB 624 - Franklin
HCS HB 654 - Allen
HCS HB 770 - Jones
HCS HB 461 - Bahr
HCS HB 520 - Hicks
HCS HB 540 - Johnson
HB 739 - McCann Beatty
HCS HB 955 - Ross
HCS HB 547 - Allen
HB 981 - Rowden
HCS HB 67 - Dugger
HB 702 - Higdon
HB 761 - Jones
HB 892 - Shumake
HCS HB 1091 - Phillips
HB 464 - Rowden
HCS HB 760 - Flanigan
HCS HB 803 - Swan
HCS HB 921 - Burlison
HCS HB 1003 - Hummel
HB 1313 - Rowden
HB 1324, HCA 1 - Rowden
HCS HB 956, as amended - Fraker
HCS HB 165 - Gosen

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HCS HB 697 - Corlew
HCS HB 1074 - Lant
HCS HB 1254 - Lichtenegger
HCS HBs 159 & 570 - Rehder
HB 195 - Love
HB 253 - Berry
HB 257 - Dugger
HB 285 - White
HB 1005 - Berry
HCS HB 1040 - Jones
HCS HB 1067 - Koenig
HCS HB 978 - Dogan
HCS HB 1357 - Corlew
HCS HB 657, HA 1, pending - Phillips
HCS HB 1006 - Cross
HB 1096 - Houghton
HCS HB 1042 - Korman
HCS HB 767 - Justus

HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING

HCR 35 - Reiboldt

HOUSE JOINT RESOLUTIONS FOR THIRD READING

HCS HJR 41 - Jones
HJR 44 - Shumake

HOUSE BILLS FOR THIRD READING

HB 582 - Curtis
HB 928 - Corlew
HB 411 - Kelley
HCS HB 781 - Gosen
HCS HB 1047, (Fiscal Review 4/29/15) - Zerr
HCS HB 879 - Korman
HB 1247 - Lant
HB 854, (Fiscal Review 4/30/15) - Reiboldt
HCS HB 1331 - Parkinson

SENATE BILLS FOR THIRD READING

SB 166 - Curtis
SS SCS SB 15 - Koenig
HCS SS SCS SB 174 - Richardson
HCS SCS SB 322 - Engler
SB 426 - Franklin

SB 82 - Frederick
HCS SCS SB 190 - Berry
HCS SB 205 - Gosen
SB 276 - Peters
SB 277 - Peters
SCS SB 328 - Lauer
HCS SCS SB 380 - Lair
SCS SB 435 - Pierson
SB 334 - Cookson
HCS SCS SB 131, (Fiscal Review 5/5/15) - Love
HCS SB 148, E.C. - Jones
HCS SCS SB 230, (Fiscal Review 5/5/15) - Barnes
HCS SCS SB 326, E.C. - Fraker
HCS SB 458 - Jones
SB 474 - Davis

SENATE CONCURRENT RESOLUTIONS FOR THIRD READING

SCR 10 - Houghton
SCR 15 - Shull
SCS SCR 26 - Haahr
HCS SCS SCR 30 - Alferman

HOUSE BILLS WITH SENATE AMENDMENTS

HB 629, SA 1 - Leara
HB 514, SA 1 - Leara
SCS HB 41, (Fiscal Review 5/5/15) - Wood
SCS HB 343, (Fiscal Review 5/5/15) - Lair
SCS HB 403, (Fiscal Review 5/5/15) - Phillips
SS SCS HCS HBs 517 & 754, as amended, (Fiscal Review 5/5/15) - Higdon
SCS HB 947, (Fiscal Review 5/5/15) - Wiemann
SCS HB 1098, (Fiscal Review 5/5/15) - Crawford
SS#2 HCS HB 722, (Fiscal Review 5/5/15) - Shaul

BILLS IN CONFERENCE

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
HCS SS SCS SB 5, as amended - Curtman
CCR#2 HCS SB 104, as amended - Dugger
HCS SCS SB 473, as amended, E.C. - Rowland
CCR HCS SB 254, as amended - Davis
HCS SB 283, as amended - Leara
HCS SCS SB 270, as amended - Dugger
SS SCS HB 458, as amended - Allen
CCR SB 446, HA 1, HA 2, as amended - Davis
HCS SS SCS SB 67, as amended - Rhoads

HCS SB 282, as amended - Gosen
HCS SCS SB 300, as amended - Leara
HCS SCS SB 172, as amended, E.C. - Swan
HCS SS SCS SB 115, as amended - Miller
HCS SCS SB 445, as amended - Miller
HCS SCS SB 152, as amended - Miller
HCS SS SCS SB 278, as amended - Hinson
HCS SB 13, as amended - Spencer
SCS HB 152, as amended - Haahr
SCS HB 615 - Dohrman

VETOED HOUSE BILLS

HB 150 - Fitzpatrick